

United States
Circuit Court of Appeals

For the Ninth Circuit.

LOW KWAI and MRS. LOW KWAI, Sometimes
Known as HO SHEE or HO (HAW) SHEE,
Appellants,

vs.

SAMUEL W. BACKUS, as Commissioner of Immi-
gration, Port of San Francisco,
Appellee.

Transcript of Record.

Upon Appeal from the United States District Court for
the Northern District of California,
First Division.

Filed

JUN 8 - 1915

F. D. Monckton,
Clerk.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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UNITED STATES OF AMERICA.

District Court of the United States, Northern District of California.

Clerk's Office.

No. 15,591.

In the Matter of MRS. LOW KWAI, etc.

Praecipe (for Record on Appeal).

To the Clerk of said Court:

Sir: Please make up Transcript of Appeal in the above-entitled case to be composed of the following papers, to wit:

1. Petition for Writ of Habeas Corpus.
2. Order to Show Cause.
3. Demurrer to Petition.
4. Return.
5. Traverse to Return.
6. Opinion Discharging Writ of Habeas Corpus,
and Remanding Ho Shee.
7. Petition for Appeal.
8. Assignment of Errors.
9. Order Allowing Appeal.
10. Notice of Appeal.
11. Cost Bond on Appeal.
12. Citation, and Copy.
13. Clerk's Certificate.
14. Order Overruling Demurrer, Feb. 25, 1914.
[*1]
15. Letter or report of Commissioner of Immigration Transmitting Record to Secretary of Labor.

*Page-number appearing at foot of page of original certified Record.

16. Stipulation and Translation of Parts of Exhibit Attached to Petition, which are in the Chinese Language.

GEO. A. McGOWAN,
Attorney for Petitioner.

[Endorsed]: Filed Aug. 11, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [2]

*In the District Court of the United States, in and for
the Northern District of California, First Division.*

In the Matter of the Application of LOW KWAI,
upon Behalf of MRS. LOW KWAI, Some-
times Known as HO SHEE, or HO (HAW)
SHEE, on Habeas Corpus.

Order to Complete Transcript on Appeal.

Good cause appearing therefor, and upon motion of Walter E. Hettman, Assistant United States Attorney, in open court, on Tuesday October 27th, 1914, William Hoff Cook, of counsel for petitioner, Lo Kwai, being present in court, an order was duly made and entered that the transcript of appeal to the Circuit Court of Appeals in said cause shall include all the evidence submitted in the proceedings before this court, and that the following specified immigration documents, which were omitted from the praecipe for printing of transcript on appeal of counsel for said petitioner, be ordered printed and included in said transcript on appeal.

1. Memorandum for the Acting Secretary by Acting Commissioner-General of Immigration,

53575/255, dated Jan. 20, 1914, 7 pages.

2. Letter to Commissioner of Immigration, San Francisco, by F. H. Larned, Acting Commissioner-General, No. 53575, dated Jan. 27, 1914, transmitting said memorandum No. 1.

3. Warrant-Deportation of Alien, No. 53575/255, dated Jan. 27, 1914, signed J. B. Densmore, Acting Secretary of Labor. [3]

4. Following endorsement which appears on margin Warrant of Arrest of Alien, dated April 11, 1913, signed W. B. Wilson, Secretary of Labor:

“Executed at Sacramento, Calif., Oct. 17th, 1913.

JOHN A. ROBINSON,

Inspector.”

5. Verification of landing of Ho Shee, dated “Angel Island, Cal., April 3, 1913,” and showing original was signed by “Samuel W. Backus, Commissioner.”

6. Application for verification of landing of Ho Shee, dated Angel Island, Cal., April 2, 1913, (Signed) “H. Edsell, Acting Commissioner.”

7. Full transcript of testimony taken at Sacramento, Friday Oct. 17th, 1913, James Weaver, E. R. Malone, Anna Phelps, Rose Ying (10 pages in all), transcript certified Oct. 21, 1913, by “Jos. E. Pipher, Official Shorthand Reporter.”

October 31st, 1914.

M. T. DOOLING,

U. S. District Judge.

[Endorsed]: Filed Oct. 31, 1914. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [4]

*In the District Court of the United States, in and for
the Northern District of California, Division
No. 1.*

In the Matter of the Application of LOW KWAI,
upon Behalf of MRS. LOW KWAI, Some-
times Known as HO SHEE, or HO (HAW)
SHEE, on Habeas Corpus.

Petition for Writ of Habeas Corpus.

To the Honorable MAURICE T. DOOLING, Judge
of the United States District Court, in and for
the Northern District of California, Division
Number One:

The petition of Low Kwai respectfully shows:

That Mrs. Low Kwai, sometimes known as Ho Shee or Ho (Haw) Shee, and hereinafter referred to as the detained, is unlawfully imprisoned, detained, confined and restrained of her liberty by Samuel W. Backus, Commissioner of Immigration for the port of San Francisco, at the Immigration Station at Angel Island, County of Marin, State and Northern District of California.

That the said imprisonment, detention, confinement and restraint are illegal, and the illegality thereof consists in this, to wit: That it is claimed by the said Commissioner of Immigration that the detained is an alien person who had entered the United States on or about the 14th day of October, 1912, through the Port of San Francisco, where she had previously arrived on the Steamer "Siberia"; that she was accompanied on said trip by her husband,

Low Kwai (the petitioner herein), who is a native born citizen of the United States, and both your petitioner, the said Low Kwai, and the said detained were thereafter permitted to enter the United States as such citizen and the wife of such citizen by the appropriate Immigration authorities for the port of [5] San Francisco, and that the said detained continued to reside in the United States from said last mentioned date until the present time. And further, that upon the 11th day of April, 1913, a warrant for the arrest of the said detained was issued by the Secretary of Labor, wherein it was charged that the said detained was a prostitute and had been found practicing prostitution subsequent to her entry into the United States. And further, that upon the 17th day of October, 1913, the said warrant was executed by the arrest of the said detained; and further, that after the hearing accorded under the authority contained in said warrant the said Secretary of Labor, on or about the 24th day of January, 1914, issued a warrant of deportation against the detained, in which it was recited that the said detained was an alien prostitute and that she had been found practicing prostitution subsequent to her entry into the United States, and that she should be ordered deported to China, the country whence she came. That during the proceedings had under the warrant of arrest above recited, except as hereinafter specified, the detained was released upon bail in the sum of Two Thousand Dollars, and that the said detained is now in the custody of the said Commissioner of Immigration, and it is further

claimed by the said commissioner that he now holds the said detained in his possession by virtue of said warrant and that it is his purpose and intention to execute the said warrant of deportation by causing the detained to be deported upon the Steamer "China," sailing from the Port of San Francisco at 1 o'clock P. M. on or about February 3d, 1914; and it is further claimed by the said commissioner that the action of the Secretary of Labor, of himself as such commissioner, and his subordinate officers in the premises is authorized by the provisions of the Act of Congress of February 2d, 1907, entitled: "An Act to Regulate the Immigration of Aliens Into the United [6] States," and the Act amendatory thereto March 26th, 1910.

This petition is presented by your petitioner upon his own behalf and in his own right, as a native-born citizen of the United States of America and of the State of California and as the husband of the said detained, and also upon behalf of the said detained, she being in custody and unable to verify the said petition upon her own behalf.

Your petitioner alleges that the detained does not come within the restrictions or province of the said Act or Acts, but on the contrary your petitioner alleges that the said detained is, by virtue of her marriage to petitioner, who is a citizen of the United States as aforesaid, a citizen of the State of California and not an alien within the true meaning and intention of the said Act or Acts, and that for all of said reasons said warrant of arrest and all proceedings had thereon are illegal, null and void, and the

warrant of deportation issued as a result of the said proceedings is likewise illegal, null and void, and all for the reason that the said warrant of arrest and the said warrant of deportation are issued in excess of the authority or jurisdiction of the said secretary: That they are issued in violation of the said Act or Acts of Congress aforesaid and in violation of the Constitutional rights of your petitioner as such citizen of the United States and of the detained as the wife of such citizen and individually as such citizen of the State of California, in this:

1st. That by said executive proceeding it is attempted to deprive the petitioner, a citizen of the United States, of the society, protection, care and comfort of his wife, and to deport and banish her forever from the United States without a hearing before the judicial branch of the Government of the United States, and hence in violation of the guarantees to said petitioner as such citizen of the United States contained in [7] Section 2, Article III, of the Constitution of the United States.

2d. That by said executive proceeding it is attempted to deprive the detained, who is a citizen of the State of California by virtue of her said marriage to petitioner, of the society, protection, care and comfort of her said husband unless he follow her and be a party to her deportation and banishment from the United States, without according her a hearing before the judicial branch of the Government of the United States, in violation of her guaranties to her, the said detained, as such citizen of the State of California, and in violation of Section 2, Article III,

detained was injured and deprived of her right of counsel during said time, [9] and was prevented from exercising her rights under the rules and regulations promulgated under said Act or Acts, and thus deprived of her right to be present at a hearing had upon the 9th day of November, 1913, when testimony was taken from Daniel J. O'Brien, Miss Carrie G. Davis and Miss Donaldina Cameron; nor was the attorney for the detained notified of the said hearing, so that he could be present thereat. That the materiality of the said evidence so taken and the detrimental effect thereof to said detained may be observed by reference to Exhibit "A" hereinafter mentioned.

Fourth. That the said Immigration officials incorporated in the record against the said detained, testimony of James Weaver, taken in Sacramento on the 17th day of October, 1913, which said testimony was taken at a time when the right of counsel was withheld from said detained, and the said Immigration officials refused to set a time for a hearing in Sacramento, so that the detained might be accorded the opportunity of being present at said hearing, or having her counsel present thereat, for the purpose of submitting evidence upon her behalf from said witness James Weaver. That the motion of the said detained to strike from the files the testimony of the said witness James Weaver was not granted, and notwithstanding the fact that the Immigration officials conduct hearings in different matters in the City of Sacramento, they refused arbitrarily, and to the great detriment of said detained

and your petitioner, to permit the said witness James Weaver to be cross-examined at said place upon behalf of said detained. That the materiality of the testimony of the said witness James Weaver and the detrimental effect of the said testimony may be observed by reference to Exhibit "A" hereinafter mentioned. And in this connection, the said Immigration officials denied and refused the said detained any opportunity at all to submit evidence upon her own behalf from [10] the said witness James Weaver.

Fifth. That the said Commissioner of Immigration for the Port of San Francisco prejudiced the rights of the said detained herein upon the 7th day of November, 1913, by telegraphing to the Secretary of Labor as a fact that the said detained had violated the immigration law pending the adjudication of her case, when no evidence of any kind in support of said charge had been submitted in this case showing that said detained had violated the immigration law pending the adjudication of her case, all of which may be verified by reference to Exhibit "A" hereinafter mentioned.

Sixth. That upon the 9th day of November, 1913, at a time when the right of counsel was accorded the said detained, the said immigration officials, in violation of the right of counsel of the said detained, held a hearing at which testimony was submitted from Daniel J. O'Brien, Miss Carrie G. Davis and Miss Donaldina Cameron, and that said immigration authorities did not notify said detained or her counsel that said hearing was to be held, and in fact with-

held the knowledge of the fact that such a hearing had been held until the 9th day of December, 1913, when the said testimony was incorporated in the record against the detained, thus denying her any opportunity of being present at said hearing with her counsel, and the protest of the said detained to the incorporation of the said evidence in the record was not granted or upheld. And the further request of said detained that a time and place be set so that the said witnesses might be cross-examined upon her behalf was not granted by the said immigration authorities; and the further request that a time and place be set so that the detained and her counsel might be present to examine said witnesses upon behalf of said detained was refused, and no time nor place was set and no examination was permitted of said witnesses upon behalf of said detained. [11] That the evidence so complained of was material and detrimental to the detained, as will appear by reference to Exhibit "A" hereinafter mentioned.

Seventh. That the hearings against the said detained were unfair and unjust, that they certainly result in a flavor of mere mockery in that as the said rules and regulations are interpreted, the detained is compelled to submit her evidence in her case in opposition to the charge made against her, in the form of affidavits, the said detained maintaining and contending therein that such a course and class of procedure prevents her from having a fair and adequate opportunity to present her defense, and prevents the full value of her defense from being comprehended by the Secretary of Labor; and the class

of a hearing which the said Commissioner and the said Department of Labor officials have followed in this matter is unfair and unjust and deprives the detained of a fair opportunity to be heard, in this, that the Government presents its evidence by affidavits and oral examinations in such method and in such manner as to deprive the detained from any opportunity to examine or cross-examine the said Government witnesses; and by the said Government officers electing to examine their witnesses orally, while they withhold the right of counsel from the detained, and by their submitting the evidence of their witnesses by affidavits after they accord the right of counsel to the detained, the said officers thus prevent the detained from a fair and adequate or any opportunity of testing the value of the evidence of the said witnesses and showing its true worth or lack of value to the said Secretary of Labor.

~~Eighth. That after the conclusion of said pretended hearings and when the rights of the said detained could not be properly or at all safeguarded, the said Commissioner of Immigration did, your petitioner alleges upon information and belief, submit evidence of some kind, detrimental to said detainee ;~~
to [12]

Ninth. That after the conclusion of said pretended hearings and when the rights of the said detained could not be properly or at all safeguarded, the said Commissioner of Immigration did, your petitioner alleges upon information and belief, submit evidence of some kind, detrimental to said detained, to the Secretary of Labor and that said evi-

dence was never presented to the said detained, nor was an inspection thereof permitted or allowed, and that by reason of the said acts of the said Commissioner of Immigration the detained was denied any opportunity to see and inspect said evidence and to rebut the same, and that in so abridging and limiting the right of counsel of the said detained she has been prevented from showing the falsity of the said evidence believed to have been so presented by the said Commissioner of Immigration against the detained.

Tenth. That your petitioner has in his possession a full copy of the proceedings as a result of which it is sought to deport the detained, with the exception of the evidence or reports referred to in the subdivision immediately preceding, which said reports or evidence were submitted to the Secretary of Labor and are considered by said officers as private and secret communications, and no copy of the same can be obtained by your petitioner, nor has your petitioner, nor the detained herein, nor her counsel been accorded an opportunity to inspect or examine said supposedly secret or private communications or reports. A copy of said proceedings, otherwise complete, is contained in Exhibit "A" hereunto annexed.

That the said Samuel W. Backus, Commissioner of Immigration as aforesaid, is intending to execute the said order of deportation by deporting the said detained on the Steamer "China," sailing from the Port of San Francisco at 1 P. M., February 3d, 1913, and unless this Court intervene, the said detained will be carried beyond the jurisdiction of this Court.

That notwithstanding anything contained in said Exhibit "A" hereinbefore referred to, the said detained is not now and never has been an immoral woman or engaged in the practice of prostitution within the United States, nor at any other place, and the charge brought against her, and the evidence submitted against her have their origin from maliciously inclined people whom the Government has protected to the extent that it has prevented the detained from examining or cross-examining them to show the falsity of their accusations against said detained.

WHEREFORE, YOUR PETITIONER PRAYS that a writ of habeas corpus may issue, directed to the said Samuel W. Backus, staying the said order of deportation, and directing him to produce the body of the said detained before your Honor at a time and place to be specified in said order, together with the time and cause of detention of the said detained.

Dated February 2nd, 1914.

LOW KWAI (Character in Chinese),
Petitioner.

GEO. A. McGOWAN,

Attorney for Petitioner. [14]

United States of America,
State and Northern District of California,
City and County of San Francisco,—ss.

Low Kwai, being first duly sworn, deposes and says:

That he is the petitioner named in the foregoing petition; that the same has been read and explained to him and he knows the contents thereof; that the

same is true of his own knowledge except as to those matters which are therein stated on his information and belief, and as to those matters he believes it to be true.

(Chinese Character) LOW KWAI.

Subscribed and sworn to before me this 2d day of February, 1914.

[Seal]

GEO. F. CAVALLI,

Notary Public in and for the City and County of San Francisco, State of California. [15]

Application for Warrant of Arrest Under Sections 20 and 21 of the Act of February 20, 1907.

U. S. DEPARTMENT OF LABOR.

IMMIGRATION SERVICE.

No. 12020-190.

(Place) Angel Island Station, S. F. Cal.

April 2, 1913, — 191—.

The undersigned respectfully recommends that the Secretary of Labor issue his warrant for the arrest of Ho Shee, or Haw Shee, the alien named in the attached certificate, upon the following facts which the undersigned has carefully investigated, and which, to the best of his knowledge and belief, are true:

(1) (Here state fully facts which show alien to be unlawfully in the United States. Give sources of information, and where possible, secure from informants and forward with this application duly verified affidavits setting forth the facts within the knowledge of the informants.)

Herewith find verification of landing. It is stated

from an anonymous source that this woman is now practicing prostitution in either the Oriental Hotel or the Republic Hotel, keeping one of the rooms in either hotel from time to time.

She was landed as the wife of a native, but her husband deserted her.

(2) The present location and occupation of above-named alien are as follows: ——— [16]

Pursuant to Rule 22 of the Immigration Regulations there is attached hereto and made a part hereof the certificate prescribed in subdivision 2 of said Rule, as to the landing or entry of said alien, duly signed by the immigration officer in charge at the port through which said alien entered the United States.

(Signature) (Sgd.) H. EDSELL,
(Official title) Acting Commissioner.

Inclosure—#15653.

FHA/MAH.

Copy-LED. [17]

Warrant—Arrest of Alien.

UNITED STATES OF AMERICA.

U. S. Department of Labor.

Washington.

No. 53575/255.

Incl. No. 3610.

To Samuel W. Backus, Commissioner of Immigration,
Angel Island Station, San Francisco, California.

WHEREAS, from evidence submitted to me, it appears that the alien Ho Shee, or Haw Shee, alias Ho Shi, who landed at the port of San Francisco, Cal., ex SS "Siberia," on . . . the 14th day

of October, 1912, has been found in the United States in violation of the Act of Congress approved February 20, 1907, amended by the Act approved March 26, 1910, to wit:

That the said alien is a prostitute and has been found practicing prostitution subsequent to her entry into the United States.

COPY.

I, W. B. Wilson, Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant her a hearing to enable her to show cause why she should not be deported in conformity with law.
[18]

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation, "Expenses of Regulating Immigration 1913." Pending disposition of her case the alien may be released from custody upon furnishing satisfactory bond in the sum of \$2,000.00.

For so doing, this shall be your sufficient warrant.

Witness my hand this 11th day of April, 1913.

(Sgd.) W. B. WILSON,
Secretary of Labor.

WW.

Copy-LED. [19]

[Letter, Dated April 11, 1913, Secretary to
Commissioner, Transmitting Warrant.]

DEPARTMENT OF LABOR.

WASHINGTON.

No. 53575/255.

April 11, 1913.

Commissioner of Immigration,

Angel Island Station,

San Francisco, Cal.

Pursuant to your request of the 2nd instant, No. 12020/190, there is transmitted herewith warrant for the arrest of the Chinese alien Ho Shee, or Haw Shee, *alias* Ho Shi. This warrant should not be executed, however, unless your investigation develops facts justifying such action.

Form 533, forwarded with your application, is inclosed, as requested.

(Sgd.) W. B. WILSON,
Secretary.

Incl. No. 3610-3611.

WW.

Copy-LED. [20]

[Testimony of Tien Fuh Wu, Taken Before
Inspector October 20, 1913.]

DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.

No. 12020—190.

Angel Island, Cal., October 20, 1913.

In re HO SHEE, *alias* HAW SHEE, *alias* HO
SHI, Arrested Under Departmental Warrant
#53575/255, Dated April 11, 1913.

Examining Inspector—W. H. CHADNEY.

Stenographer—L. E. DINKLAGE.

Witness sworn. Examination in English.

(By Inspector.)

Q. What is your name and business?

A. Tien Fuh Wu, Assistant Superintendent Presbyterian Mission Home.

Q. Do you know this Chinese girl? (Showing Haw Shee, *alias* Ho Shi.) A. Yes.

Q. Will you state when, how, and under what circumstances you know her?

A. Last November someone sent word to us that she and another girl would like to be rescued from the Oriental Hotel and Miss Cameron and some American friends and I went to get them, and she was in the Home for several months.

Q. You got her out of the Oriental Hotel?

A. Yes, from the Oriental Hotel on Stockton Street, where they had been leading an immoral life. After we brought her to the home she told me that her husband brought her over for Choy Kum, a Chinese known to us as [21] a slave owner, and

(Testimony of Tien Fuh Wu.)

she also stated to me that she did not want to lead an immoral life; also that this Choy Kum had taken her baby away from her and sold it to another slave owner by the name of Wong. She asked Miss Cameron and me to help her rescue this little boy, but we were busy and could not attend to it, and she got restless and left the Home without our knowledge.

Q. You have heard of her in different places practicing prostitution since her escape from the Home?

A. Yes, we heard she was first in Yreka and then in Lodi, at which time, if you remember, Inspector Chadney, you searched several Chinese places there but was not successful in finding her at that time. Our latest advice was that this girl was in Sacramento, and I understand that Inspector Robinson arrested her there last Friday.

Q. What information have you as to how this woman supports herself?

A. She has no way of earning her living at all. She told us she was practicing prostitution for over a month at this Oriental Hotel, and ever since she left the Home we heard from various people that she was leading an immoral life.

I hereby certify to the correctness of the foregoing transcript.

L. E. DINKLAGE,
Stenographer. [22]

[Testimony of Donaldina Cameron, Taken Before
Inspector October 20, 1913.]

DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.

No. 12020—190.

Angel Island, Cal., October 20, 1913.

In re HO SHEE, *alias* HAW SHEE, *alias* HO
SHI, Arrested Under Departmental Warrant
#53575/255, Dated April 11, 1913.

Examining Inspector—W. H. CHADNEY.

Stenographer—L. E. DINKLAGE.

Witness sworn. Examination in English.

(By Examining Inspector.)

Q. What is your name and business?

A. Donaldina Cameron, Superintendent Presbyterian Chinese Mission Home.

Q. I will ask you, Miss Cameron, if you recognize this woman? (Indicating alien Ho Shee, *alias* Haw Shee.) A. Yes, Mr. Chadney, I do.

Q. As whom?

A. I know this woman as Yut Kwai. I know her to be a Chinese prostitute, because we rescued her at the same time we rescued another Chinese slave girl last year. She remained in our Mission Home for a short period, and while she was there she discussed freely her life in Chinatown as a slave girl and the hardships of that life, and told us who her owner was and also told us that the little child that she brought over with her from China and landed as her son had been sold to a Chinese person. [23] She ultimately ran away from the Home by climbing over

(Testimony of Donaldina Cameron.)

the fence at night. From that time until the present we have been seeking to locate her, but were unable to do so.

Q. You know, from the admissions of this person, that she is and has been a prostitute for some time past?

A. Yes, from her own admissions and the conditions under which we found her at the time we rescued her convince me that she was a prostitute.

Q. Where did you rescue her from?

A. At the Oriental Hotel, which is known to me to be a place where Chinese slave owners take them at night to practice their business.

Q. Do you know about when she was at the Home?

A. It was the latter part of November, 1912.

Q. Since her escape you have been actively engaged in trying to rescue her?

A. Yes, we have made repeated efforts to locate her.

I hereby certify to the correctness of the foregoing transcript.

L. E. DINKLAGE,
Stenographer. [24]

[Testimony of Ah Ho. Taken Before Inspector,
October 21, 1913.]

DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.

No. 12020—190.

Angel Island, Cal., October 21, 1913.

In re HO SHEE, *alias* HAW SHEE, *alias* HO
SHI, Arrested Under Departmental Warrant
#53575/255, Dated April 11, 1913.

Examining Inspector—W. H. CHADNEY.

Stenographer—L. E. DINKLAGE.

Interpreter—LUM YING.

Examination in Chinese.

Alien sworn by Inspector through Interpreter.

—Q. What is your name? A. Ah Ho.

Q. Any other name? A. No other name.

Q. Were you ever known by the name of Haw
Shee? A. Yes.

Q. Also by the name of Ho Shee?

A. Only by Haw Shee and Haw Ah Ho.

Q. How old are you? A. 23.

Q. When did you last arrive in the United States?

A. The end of last year.

Q. About what month, do you remember?

A. Arrived here the first part of the ninth month.

Q. On what papers?

A. As the wife of a native. (Record shows Low
Kwai, "Siberia," October 14, 1912.) [25]

Q. You arrived herein October, 1912? A. Yes.

Q. Where did you go when you landed?

A. Went to a lodging-house in San Francisco.

(Testimony of Ah Ho.)

Q. Do you remember the name of the lodging-house? A. I don't know.

Q. Did your husband go with you to the lodging-house? A. Yes.

Q. How long did you and your husband, Low Kwai, live together after your arrival?

A. Short while.

Q. About a week, or month, or how long?

A. I do not remember now.

Q. A couple of weeks, or month or what? As near as you can remember.

A. I don't remember; not very long.

Q. After your husband left you, how did you support yourself? A. My husband sent me the money.

Q. After your husband left you, did you still continue to live at that hotel?

A. No, I went with him.

Q. Was the name of the hotel where you were staying with your husband, the Oriental Hotel?

A. I don't know.

Q. Do you know Miss Cameron? A. No.

Q. Do you know Miss Wu?

A. I don't remember. I do not want to say any more until my lawyer gets here.

Q. How long did you stay at the Mission after you went there? A. Two months.

Q. Did you go there voluntarily?

A. I don't know.

Q. Who took you from the Oriental Hotel to the Mission?

A. Came with the missionary woman. [26]

(Testimony of Ah Ho.)

Q. You stayed there two months? A. Yes.

Q. Where did you go after you left the Mission?

A. I looked for my husband.

Q. And did you find him? A. Yes.

Q. Where is your husband now?

A. I don't know where.

Q. Did you live with him after you left the Mission? A. Yes.

Q. Where? A. In Sacramento.

Q. Have you any children? A. No.

Q. Did you ever have any children? A. No.

Q. Did you not have a baby boy?

A. No, never had one.

Q. We have certain information that someone stole your boy and sold him and if we can possibly do anything to help you to recover your child we will be only too glad to do so, if you will allow us to do so.

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(Inspector continues.)

A. Yes, I had a boy, but not by me. He belongs to my husband's first wife.

Q. Was this child your adopted child? A. No.

Q. Did you not look upon this child as yours?

A. Yes.

Q. About how old was the baby when you got it?

A. A little over a year old.

Q. Do you know where the boy is now?

A. I do not know what my husband did with him.

Q. Is it a fact that your alleged husband took the child from you and sold him or disposed of him in some way contrary to your wishes in the matter?

(Testimony of Ah Ho.)

A. Being the father of the child he has a right to take him wherever he wants to.

Q. Whether you object or not? A. Yes. [27]

Q. You say that you went to Sacramento after you left San Francisco?

A. Yes, I arrived in Sacramento only a few days ago. My husband went with me to Sacramento and he left there for some other city and I was arrested on the street in Sacramento.

Q. Did you ever go to Yreka? A. No.

Q. Were you ever in Lodi? A. No.

Q. Were you ever in Stockton? A. No.

Q. If you have only lived in Sacramento for a few days, where were you living during the interval between October, 1912, and October, 1913?

A. I went to another city, but I do not know the name.

Q. Did you go there alone?

A. With my husband.

Q. With the husband who landed you or with another man? A. Low Kwai.

Q. Is that the same man you were landed to as his alleged wife in October, 1912? A. Yes.

Q. Has he ever contributed anything to your support? A. Yes.

Q. Were you ever known by the name of Fong Gin? A. Yes.

Q. Is this your bank-book? A. Yes.

Q. How much money have you in the bank?

A. You can see in the book how much I have there.

Q. Was this your own personal account?

(Testimony of Ah Ho.)

A. Yes.

Q. And this is money you earned yourself?

A. No, I saved that from the amount of money my husband gave me.

Q. Would you have us believe that you have saved \$400 from money that your husband gave you, you only having been here since October, 1912?

A. My husband gave me some gold jewelry which I had no use for, so I changed that into money, too.
[28]

Q. How long have you had money on deposit in this bank? A. Just a few weeks.

Q. What was your address in Sacramento?

A. I don't know the name of the street.

Q. Was it in China Alley? A. No.

Q. Were you living in a rooming-house?

A. Yes, lodging-house.

Q. Are these letters (indicating pile of letters) yours, or any of them belong to you at all? A. No.

Q. Is this a picture of your husband, Low Kwai?

A. No.

Q. Is this a picture of your husband? A. No.

Q. Is his picture here?

A. These things do not belong to my husband.

Q. Do you know to whom they belong?

A. I don't know.

Q. Were these papers not taken from the place where you were living in Sacramento? A. No.

Q. Do you know where the inspector got them?

A. I do not.

(Testimony of Ah Ho.)

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Q. Did you live at 907 China Alley, Sacramento?

A. No.

Q. When you were taken from the Oriental Hotel in San Francisco by the missionaries was it not due to the fact that you asked their assistance to rescue you from a life of shame? A. No.

Q. Did you not tell the missionaries at the Home that you wanted to live a decent life and not live at the Oriental Hotel as a prostitute? A. No. [29]

Q. Is it not a fact that at the time you were rescued by Miss Cameron and the other missionaries in November, 1912, that the circumstances in which you were found would convince one that you were living an immoral life? A. No.

Q. Did you not tell the missionaries that you wanted to live a decent life and not continue to be a slave girl? A. No.

Q. Did you not also ask them to assist you in recovering your little boy that you just spoke of?

A. No.

Q. Do you know Choy Kum? A. No.

Q. Did you ever see him? A. No.

Q. Is it not a fact that your husband, Low Kwai, gave you to Choy Kum as a slave girl? A. No.

Q. Will your husband, Low Kwai, appear here in your behalf in case he was notified?

A. He will have to.

Q. Will you tell us where we can find him?

A. I do not know his address, but you can advertise in the Chinese paper.

(Testimony of Ah Ho.)

Q. What name is he known by? Give all his names. A. Low Kwai. No other name.

Q. How old is he? A. 38.

Q. How long is it since you have seen him?

A. Several days ago.

Q. And you do not remember the number of the house where you were living in Sacramento?

A. No.

Q. Do you refuse to remember?

A. No, but I do not remember the number and I don't know the street.

Q. How long did you live there?

A. Several days.

Q. Was it several months or several days?

A. Several days.

Q. Where did you live before you went to Sacramento?

A. Do not know the name of the city. [30]

Q. Have you not lived in several cities since your departure from San Francisco?

A. No, only Sacramento and one other.

Q. Did the missionaries give you permission to leave the Home when you left?

A. I walked out myself.

Q. Daytime or night-time? A. Daytime.

Q. Who assisted you to escape?

A. No one helped me.

Q. Did you not have someone to meet you when you left the Home? A. No.

Q. Did you leave the Home by the regular entrance or in what way did you leave there?

(Testimony of Ah Ho.)

A. Regular entrance.

Q. With the permission of the missionaries?

A. No, but why should they detain me when I have a husband?

Q. Is it not a fact that you were at this Home at your own request? A. No.

Q. Would you have us believe that you were confined in this Home for two months against your will?

A. Yes, I was not allowed to go out.

Q. Is it not a fact that you went to school every day? A. No.

Q. Is it not a fact that you did submit to the rules of the Home and remained there voluntarily until you were induced to escape by some person not connected with the Home?

A. No. I was not allowed to go out and no one could talk to me. [31]

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Q. Is it not a fact that you were allowed every freedom at the Home?

A. No, I did not ask to be rescued.

Q. Is it not a fact that you and another Chinese girl were rescued at the same time and from the same place, the Oriental Hotel? A. I don't know.

Q. Do you refuse to answer that question?

A. No, but I really do not know if there was another woman or not.

Q. Is it not a fact that you and another girl were rescued at the same time by the same missionaries?

A. No, I don't know.

Q. What was your husband's business or occupa-

(Testimony of Ah Ho.)

tion? A. Merchant.

Q. Of what firm is he a member?

A. I don't know his address, or I don't know what line of business he is engaged in. He never told me.

Q. Did you ever know what line of business he was engaged in?

A. He is a merchant, but I don't know what line of business.

Q. Then you cannot positively state whether he is a merchant or not? A. No, only hearsay.

Q. You never visited the store where he was a member? A. No.

Q. Have you any friends or relatives in the United States except your husband? A. No.

Q. You never had any relatives here except your husband, did you? A. No.

Q. Has your husband any relatives in the United States? Blood relatives? A. I don't know.

Q. Did you ever meet any of his relatives?

A. No. [32]

Q. Then you do not know whether he has any relatives or not? A. No.

Q. Do you believe if he had had any relatives you would have met them?

A. I met so many people I do not know who they were.

Q. But you know positively that he has no relatives in the United States? A. Yes.

(By Inspector.)

Pursuant with instructions contained in Departmental warrant No. 53575/255 dated April 11, 1913,

(Testimony of Ah Ho.)

signed by H. B. Wilson, Secretary of Labor, you are now brought before me, an immigrant inspector, to show cause, if any you have, why you should not be deported as an immoral person having been found practicing prostitution subsequent to your entry into the United States. You are advised that you have the right to be represented by counsel and that your attorney may inspect the record.

Q. Do you wish to have an attorney?

A. I will see about that.

Q. You are also advised that you may be released from custody upon furnishing satisfactory bond in the sum of \$2000. Have you any reason to advance why you should not be deported? You are now given ample opportunity to show cause if any you have.

A. I do not see how I could be arrested when I was with my husband.

Q. Have you any further statement to make at this time? A. No.

Q. Have you understood the interpreter?

A. Yes. [33]

Interpreter Robt. Lym called and asked alien if she understood Interpreter Lum Ying, to which she replied "Yes."

I hereby certify to the correctness of the foregoing transcript.

L. E. DINKLAGE,
Stenographer. [34]

[Letter, Dated October 25, 1913, Commissioner to
Mr. McGowan.]

DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.

Office of the Commissioner,
Angel Island Station,
via Ferry Postoffice,
San Francisco, Cal.

October 25, 1913.

F. H. A.

12020/190.

In answering please refer to
George A. McGowan, Esquire,
Bank of Italy Building,
San Francisco, California.

Sir:

You are advised that the case of Ho Shee will be closed on Thursday, November 6th, at which time you are requested as attorney for the alien to make such showing as you deem proper as to why she should not be deported.

Respectfully,
SAMUEL W. BACKUS,
Commissioner. [35]

**[Letter, Dated November 5, 1913, Mr. McGowan to
Commissioner.]**

San Francisco, California, November 5th, 1913.
Hon. Samuel W. Backus,
Commissioner of Immigration,
Port of San Francisco.

Dear Sir:

In re Haw Shee, *alias* Ho Shee, No. 12020/190.
53575/255.

I desire to request, in the above-entitled case, that the time within which the defense of the defendant is to be submitted, be enlarged from November 6th to and including November 11th, 1913. In explanation of this request I desire to state that the warrant in this matter was issued on April 11th, 1913, while it was not executed until October 17th. From a reading of the testimony which you have submitted against the defendant it is apparent that evidence will have to be procured from at least Sacramento, and possibly from other out of town places, and inasmuch as I did not procure even my partial copy of the record until October 28th, I deem it necessary that this additional extension should be allowed, to enable the defendant to show cause why she should not be ordered deported.

Thanking you in advance for this courtesy, I remain,

Yours very respectfully,

GEO. A. MCGOWAN,

Attorney for Defendant, Haw Shee, *alias* Ho Shee.

[Letter, Dated November 7, 1913, Commissioner to
Mr. McGowan.]

DEPARTMENT OF COMMERCE AND LABOR.
IMMIGRATION SERVICE.

Office of the Commissioner,
Angel Island Station,
via Ferry Postoffice,
San Francisco, Cal.

F. H. A.

No. 12020-190.

November 7, 1913.

Geo. A. McGowan, Esq.,
Bank of Italy Bldg.,
San Francisco, Cal.

Sir:

Receipt is acknowledged of your letter of November 5th asking a continuation until November 11th in the case of Haw Shee arrested under warrant #53575/255. In view of the circumstances which you recite, your request for continuation is granted.

Respectfully,

SAMUEL W. BACKUS,

Commissioner. [37]

[Letter, Dated November 10, 1913, Mr. McGowan to
Commissioner.]

GEORGE A. McGOWAN,
Attorney and Counsellor at Law.
Bank of Italy Building,
Montgomery and Clay Streets,
San Francisco, California,
Telephone, Kearny 3092.
San Francisco, Calif., Nov. 10th, 1913.

Hon. Samuel W. Backus,
Commissioner of Immigration,
Port of San Francisco.

Dear Sir:

In re How Shee—Departmental Arrest—12020/190
53575/255

The record in the above-entitled case discloses that you applied for the warrant in this matter on April 2d, representing that:

“It is stated from an anonymous source that this woman is now practicing prostitution in either the Oriental Hotel *of* the Republic Hotel, keeping one of the rooms in either hotel from time to time.”

Upon the 11th of April the Secretary issued the warrant of arrest, as requested, and contemporaneously with the issuance of said warrant wrote you as follows:

“This warrant should not be executed, however, unless your investigation develops facts justifying such action.”

Upon October 17th, the warrant in this matter was

executed at Sacramento and the testimony of some four or five witnesses was taken in this matter at said time. I believe on Tuesday, October 21st, this detained was released upon bond and I was shortly thereafter recognized as her attorney and permitted to represent her. I filed a written request for a copy of the record, and outside [38] of the formal papers I received but the examination of Donaldina Cameron and Tien Fuh Wu. Upon Saturday, November 8th, I discovered that other testimony which had been taken in this case at Sacramento had not been submitted to me for my inspection, and now I desire to request that a copy of said testimony be prepared for my use in this case at my expense.

I desire further to protest against this detained being taken into custody upon, I believe, Thursday the 6th of November, when she was at liberty upon bond in this matter, and as her attorney I desire to request an explanation as to why she was taken into custody, and also why your office represented to the Secretary of Labor that this defendant had committed subsequent infractions of the Immigration Law. This charge is denied by the detained and we desire to except to the manner in which her case has been prejudiced by the action of your office in the premises. Upon November 7th you advised me that this case would be continued until November 11th, for the defendant to make her showing why she should not be ordered deported, and I desire to state in this connection, upon her behalf, that it is essential that she have her liberty to enable her to prepare her defense, and further, that a continuance is necessary

for us to answer your evidence taken at Sacramento and which was not disclosed to the attorney for the detained until last Saturday, the 8th instant.

Yours very respectfully,

GEORGE A. McGOWAN,

Attorney for Defendant Ho Shee. [39]

[Letter, Dated November 10, 1913, Commissioner to
to Mr. McGowan.]

DEPARTMENT OF COMMERCE AND LABOR.
IMMIGRATION SERVICE.

Officer of the Commissioner,
Angel Island Station,
via Ferry Postoffice,
San Francisco, Cal.

November 10, 1913.

R. E. P.

No. 12020-190.

Geo. A. McGowan, Esq.,

Bank of Italy Building,

San Francisco, Cal.

Sir:

Receipt is acknowledged of your letter of November 10th in the case of Ho Shee who was arrested in a Chinese raid a few days ago, and whom the Department ordered taken into custody again without bail. In view of the recent developments in this case the case will not be closed until further notice.

Respectfully,

SAMUEL W. BACKUS,

Commissioner.

REP/LED. [40]

[Statement of James Weaver, Taken at Police Station, Sacramento, Cal., by Inspector, October 17, 1913.]

Sacramento, California, Friday, October 17, 1913.

In re

Department Warrant 53575, Slant 255,

In Case of HO SHEE.

STATEMENT OF WITNESS taken at Police Station, Sacramento, California, by John A. Robinson, Inspector U. S. Immigration Department, there being also present Mr. J. H. McClymont, Chinese Interpreter.

Statement of Witness—JAMES WEAVER.

JOSEPH E. PIPHER,

Courthouse, Sacramento, California, Official Shorthand Reporter.

Police Station, City of Sacramento, Sacramento, California, Friday, October 17, 1913.

STATEMENT OF JAMES WEAVER, Police Officer of the City of Sacramento, who, after being first duly sworn by John A. Robinson, Inspector, testifies as follows, to wit:

Mr. ROBINSON.—Q. What is your name?

A. James Weaver.

Q. And how old are you, Mr. Weaver?

A. Twenty-three.

Q. What is your occupation?

A. Occupation, police officer.

Q. Of Sacramento? A. Of Sacramento.

Q. Now, how long have you held such position; how

long have you been a police officer here?

A. I have been a police officer over seven months.

Q. Is your beat in what is commonly known as the tenderloin district? A. Yes, sir.

Q. Chinese tenderloin district?

A. It is; it comprises all of Chinatown.

Q. Are you familiar with the Chinese houses of prostitution in [41] Chinatown, Sacramento?

A. I am.

Q. Do you recognize this woman here (referring to one Ho Shee)?

A. I positively identify her as being one of the inmates of a Chinese house of prostitution at 410-1/2 in the alley.

Q. 410 1/2 China alley?

A. No; 410 1/2 alley I and J, Fourth and Fifth, Sacramento.

Q. Now, do you know what her name is? I don't know what her name is; I have not heard it.

Mr. ROBINSON.—(Referring to a Chinese woman Ho Shee, for whom Department warrant 53575, slant 255 was issued the eleventh day of April, 1913.)

Q. How long have you known this woman—referring to Ho Shee—to be a prostitute in Chinatown, Sacramento? How long have you seen her there?

A. Just a moment, now, until I get it exactly.

Q. Approximately, is all.

A. Approximately?

Q. Yes.

A. Approximately over three months, all of which time she has been a continual inmate of a house of

prostitution.

Q. And then you say you saw her in bed with Chinamen?

A. I have seen her partly disrobed with Chinamen. I have seen her in bed with Chinamen at one time—different Chinamen each time.

Q. And you positively know that the place that you saw this woman, referred to Ho Shee, was a Chinese house of prostitution?

A. I do, for the man that ran it said it was a house of prostitution, and described her to me as being one of the girls that were prostitutes, at the same time saying that one of them was not a prostitute, but was sick.

Q. What is the name of the man whom you know to be the keeper of this house of prostitution on 410 $\frac{1}{2}$?

A. The man's name was Louie Ding.

(Sgd.) JAMES WEAVER.

Address: Police Department, Sacramento, California. [42]

State of California,

County of Sacramento,—ss.

I hereby certify that as shorthand reporter I took down in shorthand writing the statement of James Weaver, in the matter above entitled, made before John A. Robinson, Inspector, on Friday, October 17th, 1913; that my shorthand notes contain a full, true and correct record in shorthand of said statement; that I have personally transcribed my said shorthand notes into longhand type-writing, and that the foregoing two pages, with this page, constitute my

transcription; that same is a full, true and correct transcription of my said shorthand writing aforesaid, and same constitutes and is a full, true, correct, accurate and *verbatim* statement of the testimony of said James Weaver given on said 17th day of October, 1913, as aforesaid.

Dated, Sacramento, October 31, 1913.

(Sgd.) JOS. E. PIPHER,
Official shorthand reporter.

Copy. LED 11/11/13/. [43]

[Telegram, Dated November 7, 1913, Commissioner
to "Immigration."]

Commissioner
Angel Island, Cal.
November 7, 1913.

Western Union.

Immigration, Washington, D. C.

Case of Ho Shee warrant arrest dated April eleventh, fiftythree five seventy-five sub two-fifty-five. Alien arrested October seventeenth. Released on bail October twenty-first. Woman again arrested in Peking Hotel. Will another warrant issue or can Department refuse to continue enlargement upon bail because of fact that alien violated law pending adjudication of her case?

BACKUS.

Attest: (Sig.) SAMUEL W. BACKUS,

Commissioner.

12020/190

FHA/LED.

[Telegram, Dated November 7, 1913, Acting
Secretary to Immigration Service.]

A.M.B. 3:15 P. M.

31 Govt.

Washington, D. C.

Nov 7 1913.

Immigration Service,

San Francisco, Calif.,

Authority to admit Ho Shee to bail cancelled.
Take her into custody. Petition court to cancel
order admitting Chan Kam to bail.

LOUIS F. POST, Acting Secy.

COPY—LED—11/11/13. [44]

[Letter, Dated November 11, 1913, Mr. McGowan to
Commissioner.]

GEORGE A. McGOWAN,

Attorney and Counsellor at Law.

Bank of Italy Building,

Montgomery and Clay Streets.,

San Francisco, California,

Telephone Kearny 3092.

San Francisco, Calif. Nov. 11th, 1913.

Hon. Samuel W. Backus,

Commissioner of Immigration,

Port of San Francisco.

Dear Sir:

In re Ho Shee, Departmental Arrest case 12020/190
53575/255

With respect to the right of bail in the above-
entitled matter, I desire to advise you that I caused

this question to be taken up by Messrs. Stadden & Stewart, our Washington representatives, with the Acting Secretary of Labor, representing to the Department that bail in a matter of this kind was a statutory right, and I this morning received a telegraphic advice stating that the Assistant Secretary, Mr. Post, would approve a new bond for Ho Shee and directing me to request you to fix the amount of the bail. Unless you have any contrary or other advices, or no advice at all, I would understand it that I should request you to express to the Department the amount of bail which you would deem sufficient in this matter to insure the presence of the defendant as might hereafter be required in her case, and that you receiving this information from you the Acting Secretary would then send the authorization to you to receive a new bond. At any rate, if you have no advices from the Department, I am willing in this matter to defray the expense of your telegram in the premises, as well as its answer.

Yours very respectfully,

GEO. A. MCGOWAN,

Attorney for Ho Shee. [45]

[Telegram, Dated November 12, 1913, Larned to
Immigration Service.]

COPIES OF TELEGRAMS.

23 Govt.

Washington, D. C.

November 12, 1913.

Immigration Service,

San Francisco, Cal.

Do you recommend that Ho Shee or Chan Kam be admitted bail. If so what amounts each case.

LARNED.

**[Telegram, Dated November 13, 1913, "Backus" to
Immigration Bureau.]**

Postal Telegraph Co.

Office of Commissioner,
Port of Angel Island, Cal.
November 13, 1913.

Immigration Bureau,
Washington, D. C.

Your telegram yesterday. This office understands bonds cannot be denied either Ho Chi or Chan Kum at this stage present procedure. Condition our allotment furthermore makes advisable relieve it all unnecessary maintenance charges. Therefore recommend release both case three thousand each.

BACKUS.

**[Telegram, Dated November 14, 1913, Acting
Secretary to Immigration Service.]**

Washington, D. C.
November 14, 1913.

Immigration Service,
San Francisco, Cal.

Relay Ho Shee and Chan Kum thirty each.

LEWIS F. POST,
Act. Secretary. [46]

[Letter, Dated November 29, 1913, Commissioner to
Mr. McGowan.]

U. S. DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.

F. H. A.

In answering please refer to
No. 12020-190.

Office of the Commissioner,
Angel Island Station,
via Ferry Postoffice,
San Francisco, Cal.
November 29, 1913.

Geo. A. McGowan, Esq.,
Bank of Italy Building,
San Francisco, Cal.

Sir:

You are advised that the case of Ho Shee, arrested under Department warrant No. 53575/255, will be closed December 10, 1913, at which time it is expected you will have such evidence in as you may desire to submit why deportation should not be effected.

Respectfully,
SAMUEL W. BACKUS,
Commissioner.

FHA/LED. [47]

[**Letter, Dated December 9, 1913, Commissioner to
Mr. McGowan.**]

U. S. DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.

F. H. A. No. 12020-190.

Office of the Commissioner,
Angel Island Station,
via Ferry Postoffice,
San Francisco, Cal.
December 9, 1913.

Geo. A. McGowan, Esq.,
Bank of Italy Building,
San Francisco, Cal.

Sir:—

Receipt is acknowledged of your letter of November 10th regarding the arrest of Ho Shi in the Peking Hotel. You are advised that there are in the file for your inspection and use, three (3) affidavits showing the Peking Hotel to be a house of prostitution.

Respectfully,
SAMUEL W. BACKUS,
Commissioner.

FHA/LED. [48]

[**Affidavit, Dated November 20, 1913, of Daniel J.
O'Brien.**]

San Francisco, Cal., November 20, 1913.

Daniel J. O'Brien, being duly sworn, deposes and says:

My name is Daniel J. O'Brien. I am an acting Sergeant of Police, and have been an officer in the San

Francisco Police Department for the past 5 years. During the year 1913, from July 19th to November 14th, I was in charge of the police detailed in Chinatown, and, by reason of said detail, I know the premises at #770 Commercial St., the Hotel Peking, by general reputation to be a place where Chinese prostitutes gathered and where prostitution was practiced.

I have had this statement read to me, and I know its contents to be true.

(Sgd.) DANIEL J. O'BRIEN.

Subscribed and sworn to before me this 20th day of November, 1913.

(Sgd.) JOHN A. ROBINSON,
Immigrant Inspector.

Copy—LED—11/22/13/ [49]

[Affidavit, Dated November 20, 1913, of Carrie G. Davis.]

San Francisco, Cal., Nov. 20, 1913.

Miss Carrie G. Davis, being duly sworn, deposes and says:

I am the Superintendent of the Methodist Chinese Girls' Home at 940 Washington Street, San Francisco, California, for the past two years. During the past six months my attention has been frequently called to the premises known as the Peking Hotel, 770 Commercial St. San Francisco, that is generally known by reputation as a Chinese house of prostitution. The reputed manager being a Chinaman known as Louis Quong whom I have known by reputation for many years past as a dealer in slave girls.

On or about November 3rd of this year word was brought to me about some young Chinese girls held as slaves in there, being too ill to make the raid myself I turned the information over to the Government officers.

(Sgd.) CARRIE G. DAVIS.

Subscribed and sworn to before me this 20th day of November, 1913.

(Sgd.) JOHN A. ROBINSON,
Immigrant Inspector.

Copy—LED—11/22/13/. [50]

**[Affidavit, Dated November 20, 1913, of Donaldina
Cameron.]**

San Francisco, Cal. November 20, 1913.

Miss Donaldina Cameron, being duly sworn, deposes and says:

I am the Superintendent of the Presbyterian Chinese Mission, located at #920 Sacramento St., San Francisco, Cal., and have occupied said position for the past 17 years. During the past 6 months my attention has frequently been called to the premises known as the Peking Hotel, #770 Commercial St., San Francisco, which, by general reputation, is known as a Chinese house of prostitution, the reputed manager being a Chinaman known as Louie Quong, whose name has for many years been identified with the slave traffic. During the past 6 months several complaints have been lodged at the Chinese Presbyterian Mission as to young Chinese girls being held at the Peking Hotel for immoral purposes.

I have had this statement read to me, and I know its contents to be true.

(Sgd.) DONALDINA COMERON.

Subscribed and sworn to before me this 20 day of November, 1913.

(Sgd.) JOHN A. ROBINSON,
Immigrant Inspector.

Copy—LED—11/22/13/. [51]

**[Letter, Dated December 22, 1913, Mr. McGowan to
Commissioner.]**

San Francisco, Calif., Dec. 22nd, 1913.

Hon. Samuel W. Backus,
Commissioner of Immigration,
Port of San Francisco.

Dear Sir:—

In re Ho Shee, *alias* Haw Shee

Departmental Warrant 53575/255—12020/190

On December 10th, 1913, I received through the mails from you copies of affidavits purporting to be signed by Daniel J. O'Brien, Miss Carrie G. Davis and Miss Donaldina Cameron. These affidavits were sworn to on the 20th of November, 1913. It does not appear that they were prepared for use in this present case, and I believe that the originals of another deportation case were taken and copied and these copies were inserted in this record. I am further advised that there is contained in this said record an affidavit by Chief of Police White and two or three other people to the effect that the Peking Hotel has not the reputation attributed to it in the three affidavits mentioned. Inasmuch as the original affidavits

have not been submitted in this case, but merely copies thereof, we would ask, in this matter, for permission to copy the said other affidavits from the record referred to, so that they might be embodied in this case as evidence on behalf of this defendant. I am willing to have these affidavits copied personally, or to defray the expenses of having one of your stenographers copy the same.

In furtherance with my conversation with you, I had expected to be able to close the defense of this case today, but find that I am unable to do so and would therefore ask until the morning of the 24th instant within which to submit the defense. In this connection I wish to state that the defense in this case must cover three specific matters:—1st., the taking into custody of this defendant [52] by the Mission people in November of last year; 2nd, the arrest of the defendant by the Immigration authorities in October of the present year, and lastly, her arrest by the Immigration authorities in November of the present year, besides, of course, covering the method and manner of life in the *interim*. I have most of this evidence prepared and ready to submit, but need the time requested to obtain a little additional evidence and to prepare the brief and exceptions.

Yours very respectfully,

GEO. A. MCGOWAN,

Attorney for Ho Shee, *alias* Haw Shee. [53]

[Affidavit of Lieu Wee King et al., Taken December
6, 1913.]

In re HO SHEE, *alias* HAW SHEE
Departmental Warrant 53575/255.
12020/190.

State of California,
County of Siskiyou,—ss.

We, the undersigned Chinese persons, lawfully domiciled within the United States, being first duly and severally sworn, upon our oaths according to law do depose and say:

That we and each of us are residents of Yreka, Siskiyou County, California, and that we have been such residents during all the time hereinafter mentioned.

That the photograph which is hereunto annexed is of Low Kwai and his wife, Ho (or Haw) Shee.

That the said parties came to Yreka to live about during the month of March, 1913, and they resided with the family of Fong Wing at his family home, which is adjoining his general merchandise and drug store, which said business is known as the Chung Wah Tong Co. That the said Low Kwai and his wife Ho Shee continued to reside in Yreka for a period of about 7 months, during which time the said Low Kwai was employed as a cook. That the said Low Kwai and his said wife, Ho Shee, were honest and respectable people, and during their residence in Yreka of about 7 months they conducted themselves in an eminently fit and proper manner. That said Low Kwai was a man of good reputation and habits,

as also was his wife aforesaid, and their residence in Yreka was as man and wife, and they conducted themselves and deported and demeaned themselves as family people of excellent reputation, character and standing. That said Low Kwai and his wife Ho Shee left Yreka together at the termination of said Low Kwai's employment there, which was during the first part of the month of October, 1913. That during all of the time of the residence of said Low Kwai and Ho Shee in Yreka they resided together as husband and wife at the place hereinabove set forth.

That we believe the charge made against Ho (or Haw) Shee being an immoral woman is absolutely without any foundation in truth or in fact, for her life in Yreka would strongly negative any such presumption. The statement that she lived for upwards of three months in Sacramento prior to her arrest there, which we are informed was on the 17th day of October, 1913, is absolutely untrue, for the reason that both Low Kwai and his wife Ho (or Haw) Shee resided in Yreka and were personally present in Yreka for a period of seven months prior to the early part of October, 1913, and they only left Yreka about ten days prior to the said 17th day of October, 1913.

[54]

(Continued on page 2 hereof.)

(Continued from page 1.)

Name.	Address.	Occupation.
(Chinese Character)	(Lieu Wee King)	(Wong Ying Yick)
(Chinese Character)	(Gee Jung)	(Yee Poy)
(Chinese Character)	(Wong Toy)	
(Chinese Character)	(Lee Suey)	
(Chinese Character)	(Wong Lee Foo)	
(Chinese Character)	(Bing Kee)	

Subscribed and sworn to before me this 6th day of Decr., 1913.

[Seal] B. K. COLLIER,
Notary Public in and for the County of Siskiyou,
State of California.

(Two Pictures of Chinese Persons.) [55]

[Affidavit of William Calkins.]

In re Ho SHEE, *alias* HAW SHEE,
Departmental Warrant 53575/255
12020/190.

State of California,
County of Siskiyou,—ss.

We, the undersigned, white residents and citizens of the City of Yreka, County of Siskiyou, State of California, being first duly and severally sworn, each for himself and not one for the other, upon our oaths according to law do depose and say:

That the photograph annexed to the foregoing affidavit contains the likenesses of a Chinese man and woman who resided in Yreka for a period of about 7 months. The man was known to us under the name

of Low Kwai and the woman, who was known as his wife and who lived with him here as such, was known under the name of Ho Shee. That they resided with the family of Fong Wing at the latter's family residence, which adjoins his general merchandise and drug store which is known as the Chung Wah Tong Co. That Fong Wing is a Chinese merchant of this city and has been such for a great many years last past. That he and his family are people of the highest reputation and standing, and we know from our own observation of said Low Kwai and his wife Ho Shee, and the further fact that from living with the said Fong Wing and his family, that the said Low Kwai and his wife aforesaid are also people of good character and respectability, and that their life during the 7 months of residence in Yreka was eminently respectable and praiseworthy. Said Low Kwai, during his residence here, was a hard-working and industrious man and was employed in the capacity of a cook. That said Low Kwai and his wife aforesaid first came to Yreka about during the month of March of this year, and they lived here together until during the first part of October of the present year. That we believe that any charge or imputation that Ho Shee, the wife of said Low Kwai, is an immoral woman, is ill-founded, for her life and conduct at Yreka would negative any such presumption; and the charge that she resided in Sacramento for upwards of three months before the 17th day of October, 1913, is absolutely false, because she resided in Yreka for about seven months prior to her leaving there, which,

as before set forth, was during the early part of the month of October, 1913.

Name.	Address.	Occupation.
William Calkins.		

(Continued on page 2.) [56]

[Affidavit of Ellsworth Tubbs, Taken December 8, 1913.]

In re Ho SHEE, *alias* HAW SHEE,
Departmental Warrant 53575/255.

State of California,
County of Siskiyou,—ss.

I, the undersigned, white resident and citizen of Yreka, Siskiyou County, California, being first duly sworn, upon my oath and according to law, depose and say:

That I have lived for the last 6 years on the adjoining block to Fong Wing:

That they have been quiet good neighbors, and I believe them thoroughly respectable people. I have done some business with them and found them honest and reliable;

That I knew a woman whom I believe to be the woman whom the accompanying photograph represents;

That I saw her many times last summer at the residence of Fong Wing, and was on the same train and car with her when she went South October 8, 1913; that she was always when in my presence, quiet, and I saw nothing that would lead me to believe that she was a bad woman.

ELLSWORTH TUBBS.

Subscribed and sworn to before me this 8th day of December, 1913.

[Seal]

B. K. COLLIER,

Notary Public in and for the County of Siskiyou,
State of California. [57]

(Continued from page 1.)

Name.

Address.

Occupation.

Subscribed and sworn to before me this 8th day of Decm., 1913.

[Seal]

B. K. COLLIER,

Notary Public in and for the County of Siskiyou,
State of California. [58]

**[Affidavit of F. W. Armstrong, Taken December 8,
1913.]**

State of California,

County of Siskiyou,—ss.

The undersigned, F. W. Armstrong, a resident and citizen of the Town of Yreka City, County and State aforesaid, being first duly sworn according to law, deposes and says, that he has read the foregoing and annexed affidavit, and that facts therein contained are correct to his knowledge, with the exception of those referring to one Low Kwai purporting to be the husband of Ho Shee and as to those portions referring to said Low Kwai the said affiant has no personal knowledge, he said affiant having but on one occasion met with said Low Kwai while said party was a resident of the aforesaid Town of Yreka City. Further affiant has to say that said Fong Wing and his family are reputable and respectable people and of good character.

Affiant further states that his occupation is that of Searcher of Records of the aforesaid County and his address is corner of Center and Fourth Streets, Yreka, California.

F. W. ARMSTRONG.

Subscribed and sworn to before me this 8th day of December, 1913.

[Seal] B. K. COLLIER,
Notary Public in and for the County of Siskiyou,
State of California. [59]

[Affidavit of Fong Wing, Taken December 6, 1913.]

State of California,
County of Siskiyou,—ss.

Fong Wing, being first duly sworn, upon his oath according to law doth depose and say:

That he is a resident Chinese person, lawfully domiciled within the United States of America, and that he is a merchant and manager of the firm of Chung Wah Tong & Co., which is a firm engaged in buying, selling, and dealing in general merchandise and drugs at a fixed place of business in the Chinatown of Yreka, California, and that your affiant has been so engaged for many years last past.

That your affiant is a married man, his wife being Wong Shee, and there are, as a result of such marriage, three children, Fong Ah Geow, a daughter, and two sons,—Fong Way Haw and Fong Way Suck, and that your affiant's said family reside with him at his family home which adjoins his said mercantile business.

That your affiant is personally well acquainted

with Low Kwai and his wife Ho (or Haw) Shee. That the said Low Kwai was employed by your affiant as a cook in the said City of Yreka for a period of about seven months, which term of employment terminated during the early part of the month of October, 1913. That during all of this term of seven months the said Low Kwai and his said wife Ho (or Haw) Shee resided in Yreka and lived there with your affiant and your affiant's said family, and the said Low Kwai was employed by your affiant as aforesaid. That the said Low Kwai and his wife (or Haw) Shee are honest, respectable people and during their residence in Yreka they conducted and deported themselves in an eminently fit and proper manner. That the said Low Kwai is a man of good reputation and habits, as also is his wife, and during their residence in Yreka they resided together as man and wife and conducted, deported and demeaned themselves as family people of good reputation and standing. That during the employment of the said Low Kwai as aforesaid he saved almost all of his money and left it on deposit at your affiant's said store, and when he ceased working for your affiant he and his wife got their possessions together and drew down the money which the said Low Kwai had earned and left for Sacramento, where it was the intention of the said Low Kwai to make some investments in Chinese companies engaged in farming and ranching in and about the City of Sacramento and adjacent cities and towns.

That your affiant believes the charge made against said Ho (or Haw) Shee of being an immoral woman is absolutely without any foundation in truth, or in

fact, for her life in Yreka would strongly negative any such presumption. The statement that she lived for upwards of three months in Sacramento prior to her arrest there, which I am informed was on the 17th day of October, 1913, is absolutely untrue, for the reason that I am, as aforesaid, in a position to know, and do know, that both [60] Low Kwai and his wife Ho (or Haw) Shee resided with my family in Yreka and were personally present in Yreka for a period of seven months prior to the early part of October, 1913, and they only left Yreka about ten days prior to the said 17th day of October, 1913.

That the photographs which are annexed to the affidavits which are hereunto attached and which are sworn to by residents of Yreka, are respectively of the said Low Kwai and his said wife, Ho (or Haw) Shee.

FONG WING.

Subscribed and sworn to before me this 6th day of December, 1913.

[Seal]

B. K. COLLIER,

Notary Public in and for the County of Siskiyou,
State of California.

[Affidavit of Wong Shee, Taken December 6, 1913.]

State of California,
County of Siskiyou,—ss.

Wong Shee, being first duly sworn, upon her oath according to law doth depose and say:

That your affiant is a person lawfully domiciled within the United States of America, and is the wife of Fong Wing, the affiant in and to the foregoing

affidavit. That your affiant has had read and explained to her the contents of the affidavit aforesaid of the said Fong Wing, and that she understands the same, and your affiant does, for herself alone and upon her own account and volition affirm the truthfulness of the averments and recitals contained in the affidavit of her said husband, Fong Wing.

In addition to the foregoing your affiant deposes and says that during all of the seven months' residence of the said Ho (or Haw) Shee, the said Ho (or Haw) Shee lived in almost continuous association with your affiant at Yreka, and your affiant therefore knows that she is a family woman of good reputation and character and her habits and tendencies are essentially those of a family woman. Your affiant believes that the said Ho (or Haw) Shee is cruelly and unjustly maligned and falsely accused in the charge which is made against her in this matter.

Subscribed and sworn to before me this 6th day of December, 1913.

WONG SHEE.

[Seal]

B. K. COLLIER,

Notary Public in and for the City and County of San Francisco, State of California. [61]

[Affidavit of Fong Tune et al., Taken November 6, 1913.]

In re HO SHEE, *alias* HAW SHEE,
Departmental Warrant 53575/255.

12020/190.

State of California,
County of Sacramento,—ss.

We, the undersigned persons, lawfully domiciled

within the United States, being first duly and severally sworn, each for himself and not one for the other, upon our oaths according to law do depose and say:

That we are personally acquainted with Low Kwai and his wife Ho Shee, sometimes known as Haw Shee. That for about a week prior to the 17th day of October, 1913, they were residing in the living apartments or lodging quarters back of the store of Yick Soo Tong, which is a firm conducting a Chinese drug and general merchandise business at No. 907 Fourth Street, in the City of Sacramento, County of Sacramento. That the said Low Kwai was living at said place with his wife, the said Ho Shee, during all of said time, and his sojourn in Sacramento was on business matters in connection with the purchase or management of certain farming lands in which an association of Chinese, of which he was one, was interested. That the said Low Kwai and his wife, Ho Shee, are honest and respectable people and during their sojourn in Sacramento they conducted themselves in an eminently fit and proper manner. That the charge or reflection that Ho Shee, sometimes known as Haw Shee, the wife of the said [62] Low Kwai, was engaged in any immoral occupation, or that she was an inmate of any immoral place or connected in any manner with any immoral place during her residence in Sacramento, is entirely without any foundation in fact; but, on the contrary, said Ho Shee conducted, demeaned and deported herself in all respects as a respectable Chinese family woman.

Your affiants do further depose and say that any charge or statement to the effect that Low Kwai's

said wife resided at No. 907 China Alley in the City of Sacramento, is absolutely untrue and is not in accordance with the facts. Low Kwai's said wife was arrested about 9:30 o'clock in the daytime at 907 Fourth Street, in Sacramento, and the circumstances of her arrest have nothing to do with, nor any connection with any house of prostitution or other immoral place, that is, as far as Low Kwai's said wife or Low Kwai himself are concerned.

We desire finally to submit that Mrs. Low Kwai is a woman of good reputation and character, as also is her husband. That the said Low Kwai, during his visit to Sacramento as aforesaid, made daily trips to the adjoining towns and cities in connection with the farming interests that he and his associates were interested in, but during his sojourn there he always returned to Sacramento at night and stayed with his wife. [63]

FONG TUNE—400 I St.,

OY YUEN TONG—404 I St.,

YEE WO CO.—911½ 4 St.,

WONG CO.—921 3d St.,

LEE SUI—228 I St.,

YICK SHUE TONG & CO.—907 4th St.,

Sacramento.

Subscribed and sworn to before me this 6th day of November, 1913.

[Seal]

J. M. PERMAN,

Notary Public in and for the County of Sacramento,
State of California.

(Page 2.) [64]

[Affidavit of Louie Ding, Taken December 11, 1913.]

In re HO SHEE, *alias* HAW SHEE,
Departmental Warrant Case 53575/255.
12120/190.

State of California,
County of Sacramento,—ss.

Louie Ding, being first duly sworn, deposes and says:

That your affiant is a native born citizen of the United States of America.

That your affiant has heard read to him the testimony of James Weaver given at Sacramento before Inspector Robinson on October 17th, 1913 and your affiant is the same Louie Ding mentioned in the said testimony and in connection therewith your affiant does make answer as follows:

That the said James Weaver is a personal enemy of your affiant and the statements made by the said Weaver were in your affiant's belief made thinking that they would injure your affiant. Your affiant does not know the Chinese woman Ho Shee referred to and she has no connection with your affiant now and never has had. She did not live at the place referred to as 4101½ alley at any time. This place is leased by your affiant and sublet to different tenants. Your affiant has heard that this Ho Shee had just arrived at Sacramento with her husband from Yreka and that she was stopping at the drug store of Yick Shue Tong with her husband. Your affiant does know that the statement that this woman had

been in the place on the alley for a period of approximately three months to be untrue. She never lived at said place at any time. The place on the alley known as 410½ is occupied by white people. The premises referred to however are known as 406.

The said James Weaver has arrested your affiant and the case was thrown out of court and dismissed. I also know that his reputation is bad. He had charges filed against him as a policeman and is not now on the force. His statement that I told him that the premises on the alley was a house of prostitution is untrue for I never told him any such thing. His statement that I described this Ho Shee to him as an inmate of that place is a fabrication pure and simple. Weaver and myself were enemies during all the time in question and I did not and would not have spoken to him under any circumstances and he knows this very well. He has raided my Chinese Family Club and also the premises on the alley jointly I should say about fifty times searching for gambling and made some arrests at different times but never convicted any of the people. Some of the people he took in charge the Captain refused to hold. I merely give these facts to show that the feelings between Weaver and myself were of such a character that any statement that he conversed with me as claimed by him is absurd; and also to show the hostility of Weaver to me.

LOUIE DING.

Subscribed and sworn to before me this 10th day
of December, A. D. 1913.

HARRY L. HORN,
Notary Public in and for the City and County of San
Francisco, State of California. [65]

**[Affidavit of Hoy Sam and Wong Wing, Taken
December 12, 1913.]**

In re HO SHEE, *alias* HAW SHEE.

Departmental Warrant 53575/255.

12020/190.

State of California,
County of Sacramento,—ss.

We, the undersigned, each being duly sworn, and
not one for the other, depose and say: That I am a
bona fide resident of the City of Sacramento, County
of Sacramento, State of California, and have been
for more than one year last past; that I have resided
in the said Sacramento City for more than one year
last past; that I know of my own knowledge that
there are different factions amongst the Chinese peo-
ple in the City of Sacramento, Chinese town; that
Louis Ding is a member of one of said factions, and
that I am a member of one of said factions; that
Police Officer Weaver of the City of Sacramento is
very friendly to one of said factions and very much
opposed to the faction to which Louis Ding is a
member.

HOY SAM.

his

WONG (Chinese Character) WING.

mark

Subscribed and sworn to before me this 12th day of December, 1913.

[Seal]

ARTHUR H. McCURDY,

Notary Public, in and for the County of Sacramento,
State of California. [66]

Subscribing witnesses to signature:

F. J. WHITE.

ARTHUR H. McCURDY.

Wong Wing being unable to write, requested me to write his name, which I did, as above, in his presence and at his direction; he made his signature by the mark; I wrote his name near it; the other witness above named and I witnessed his signature and subscribed our names as witnesses thereto.

ARTHUR H. McCURDY. [67]

[Affidavit of Fong Ming et al., Taken December 12,
1913.]

In re HO SHEE, *alias* HAW SHEE.

Departmental Warrant 53575/255, 12020/190.

State of California,

County of Sacramento,—ss.

We, the undersigned, each being duly sworn and not one for the other, depose and say: That I am a *bona fide* resident of the City of Sacramento, County of Sacramento, State of California, and residing in the City of Sacramento; that I was so residing on the 17th day of October, 1913; that on the 16th day of October, 1913, I occupied a room in a Chinese lodging-house in the premises known as No. 406, in the alley, between Fourth and Fifth, I and J Streets, in the City of Sacramento, California; that said Chi-

nese Lodging-house was conducted by one Louis Gom, and Louis Gom holds the lease to said premises from one Louis Ding, dated the 5th day of November, 1912; that I retired to my room in the said Chinese Lodging-house on the night of October 16th, 1913, and remained in said house during the remainder of said night, and the morning of October 17th, 1913, and there were no women to my knowledge in said house, or occupying any beds therein during said time that I occupied said room, from the evening of October 16th to 9 o'clock A. M. October 17th, 1913, or at the time the said house was searched by Police Officer Weaver, of the City of Sacramento and Immigration Inspector Robinson; that said house is what is known as a Chinese Rooming-house and so conducted; [68] that said house is not a house of prostitution or assignation; that about 9 o'clock A. M. October 17th, 1913, said Officer Weaver and Immigration Inspector Robinson made a raid on said lodging-house, Inspector Robinson, together with two or three Police Officers of Sacramento City, entered the front of said premises and Officer Weaver entered said premises by the back door and they immediately searched said premises and found no women therein; that at the time of said raid I occupied one of the beds in said lodging-house.

That different factions exist amongst the Chinese People in the Sacramento Chinatown, and said Police Officer Weaver appears to be very friendly to the faction opposed to Louis Ding and others and very hostile toward Louis Ding; that on two or more occasions he has arrested Louis Ding and attempted

to convict him of minor offenses, but has failed to do so; that I am not acquainted with the above-named Ho Shee, *alias* Haw Shee, and have never met her on any occasion that I know of; that I have never seen said above-named woman; that I have occupied a room in said lodging-house for a period of about one year and during said one year's time, I never at any time saw the said Ho Shee, *alias* Haw Shee, in or about said lodging-house and premises.

FONG MING.

his

YE (Chinese Character) SING.

mark

his

YE (Chinese Character) BOW.

mark

his

LOUIE (Chinese Character) SUE.

mark [69]

his

LOUIE (Chinese Character) HUNG.

mark

his

FONG (Chinese Character) SUE.

mark

Subscribing witnesses to signatures:

F. J. WHITE,

ARTHUR H. McCURDY.

Ye Sing, Ye Bow, Louie Sue, Louie Hung Fong Sue, each being unable to write, requested me to write his name, which I did, as above in his presence and at his direction; he made his signature by the

mark; I wrote his name near it; the other witness above named and I witnessed his signature and subscribed our name as witnesses thereto.

ARTHUR H. McCURDY.

Subscribed and sworn to before me this 12th day of December, 1913.

[Seal]

ARTHUR H. McCURDY,

Notary Public, in and for the County of Sacramento, State of California. [70]

[Letter, Dated December 10, 1913, George A. McGowan to Chief of Police Johnson, Sacramento, Cal.]

GEORGE A. MCGOWAN,
Attorney and Counsellor at Law,
Bank of Italy Building,
Montgomery and Clay Streets,
San Francisco, California,
Telephone Kearny 3092.

December 10th, 1913.

Chief of Police Johnson,
Sacramento, California.

My Dear Sir:—

In re Ho or Haw Shee, 12020/190
53675/255

Some time in October last one of your officers, a certain James F. Weaver, gave some testimony before Immigration Inspector Robinson, which from the facts presented to me, seems to have been quite far from the truth. I would like to ascertain if this officer is still on your force and if not, whether he was suspended or dismissed or resigned in the face

of charges which I understand were filed against him.

Thanking you for the courtesy of an early reply I beg to remain,

Yours very respectfully,

(Signed) GEO. A. McGOWAN,

Attorney for Ho or Haw Shee. [71]

[Letter, Dated December 11, 1913, Chief of Police Johnson to George A. McGowan.]

COPY.

Office of

CHIEF OF POLICE

of the City of Sacramento.

Sacramento, Cal., Dec. 11, 1913.

Mr. Geo. A. McGowan,

San Francisco, Calif.

Dear Sir:

Re: James Weaver.

Replying to your letter of Dec. 10th requesting information as to the outcome of the criminal charges preferred against Officer Weaver by citizen W. E. Osborne, I beg leave to state that the Prosecuting City Attorney found that he could not introduce the testimony of Osborne, and without it, there was no case, so the Court had to dismiss the matter. Weaver, however, was suspended from duty for a period of 30 days and is now again assigned to his beat.

I note the information contained in your letter as to possible wrong testimony given by this officer before Immigration Inspector Robinson in the case of Ho How Shee.

Relative to this particular point I will say that I

am acquainted with the matter, but I wish to thank you for the tip as it places me in position for a point in the future.

Yours very truly,

(Signed) WM. JOHNSON,

Chief of Police.

(Fisher) [72]

**[Newspaper Clipping from the Sacramento "Bee,"
November 10, 1913.]**

THE SACRAMENTO BEE.

Sacramento, Cal., Monday Evening,

November 10, 1913.

12 pages

James E. Weaver, Patrolman, Who is Accused of
Breaking Up Osborne Home.



Policeman's Photo Found by Hubby.

W. E. Osborne Charges Patrolman James Weaver
Has Broken Up His Home and Meets Wife.

Declaring that he had found a photograph of Patrolman James Weaver of the Sacramento Police Department beneath the carpet in his wife's room,

W. E. Osborne of Woodland Saturday evening caused the arrest of Weaver and his wife, charging them with having improper relations. The offense is an indictable misdemeanor.

Police Judge Christiansen fixed next Wednesday as the date for setting the time of the preliminary examination. Weaver and Mrs. Osborne are at liberty under \$1,000 bail each. C. B. Harris represents them.

Broke Up Home.

Osborne declares Weaver broke up his home.

"We have been married eighteen years and were happy until Weaver, under the guise of a friend, entered our home," said Osborne to-day. "He and I worked together at the Kane & Trainor Ice Company and were friends. I took him into my home as a boarder. Two years ago this month I caught him and my wife in the parlor of my home in loving embrace. They were kissing. I hit Weaver a rap over the head, kicked him out of the house and ordered him not to return.

"A year ago I caught him and my wife together in Capitol Park. I knocked Weaver down.

They Took Assumed Names.

"Weaver and my wife corresponded under assumed names. She would get her mail by general delivery. I found Weaver's picture under the carpet in my wife's bedroom."

Osborne added that he had caused Weaver's arrest when he learned last week that Weaver told friends that in case they wished to talk to him over the telephone to call him up at Capital 207-J, as that was his home. This telephone is listed under Wea-

ver's name, but the address given in the telephone directory, 2525 Thirty-fifth Street, is Mrs. Osborne's home, where she has been living for many months.

Mrs. Osborne, who is 33 years old, has two children, a married daughter 17 years old, and a 14-year-old son.

Woman Says "Spite Work."

Mrs. Osborne declared today that her husband had caused her arrest and that of Weaver through "spite work." She said she would never live with Osborne again.

"He came home drunk several times, and once he beat me up so that I had black and blue marks for several days," said Mrs. Osborne, "He threw me out of the house and threw such of my clothes that he didn't burn, after me."

Denies Charges.

Mrs. Osborne says her relations with Weaver were entirely proper.

Weaver says the charges made by Osborne are without foundation, and induced by spitemwork.

"Osborne said he would get my star away from me, and this is his method of doing it," Weaver declared.

Weaver was arrested on a warrant late Saturday by Chief Johnson and Inspector Koenig, and he gave up his star at that time. He is under suspension, and will not return to duty until the case is settled.

Whether the charge against Weaver is proved or not, it is said Weaver could be dismissed "for the good of the service." Chief Johnson would make no statement today as to his attitude in the matter.

**[Copy of Article Published in the Sacramento "Bee"
December 11, 1913.]**

Sacramento, Cal., Thursday Evening,
December 11, 1913.

16 pages.

Mrs. Osborne Craved for Patrolman's Juicy Kisses.
W. E. Osborne, Indignant Because James Weaver is
Vindicated by Bliss, Gives Out Love Letter
Written by Wife to Sacramento
Officer.

Declaring the reinstatement of James Weaver as patrolman, in the face of evidence that Weaver and Mrs. Mabel Osborne were on intimate terms, is an outrage, W. E. Osborne of Woodland, and husband of the woman, came to Sacramento to-day to investigate the circumstances surrounding the action of City Commissioner C. A. Bliss in vindicating Weaver.

Osborne not only is irate because he thinks Patrolman Weaver got off easy, but he charges Commissioner Bliss with a breach of faith in not notifying him so that he could submit evidence against Weaver.

Love Letter to Weaver.

Osborne gave out a letter written by Mrs. Osborne to Patrolman Weaver that smacks of clandestine love matters. The letter follows: [74]

Woodland, May 18, 1913.

My Dearest and Only Sweetheart:

Today being Sunday has been quite a lonesome and dreary day for me. Will come just as soon as

I can, as you know I always do that. I can't get there fast enough sometimes or always. Now, don't you misunderstand me what I said about honeying E—— up. Don't get the wrong idea. You know what I meant—nothing what you thought. No. No. No.

I was oh, so glad to get your dear, sweet letter. I read it over a good many times before I burnt it up.

I sure will stick this proposition out as long as things are reasonable for your dear sake. Now, I do so want you to hold that job you have. It is one in which you can always look neat and clean.

Says Husband is Hot Air.

I think E—— is a big bunch of hot air, blowing up all the time. Will be glad to see my dear again, as in twenty minutes after the train pulls out you get homesick to see me.

“Real Good Juicy Kiss.”

Oh! Won't I be glad when I can be with you all the time. That will be better than writing. Whenever I want a real good juicy kiss I will know where to find it, for those kisses are sure sweet. They are the only ones that suit me.

Asks Him not to Beat Her.

You won't never beat me, will you, dear? [75]

Well, honey, I must bring this to a close for this time, and will write you tomorrow. With all my love, hugs and kisses, I am

Your forever,

MABEL WEAVER.

Osborne is Indignant.

"The reinstatement of Weaver as patrolman is by no means a closed incident," said Osborne today. "Weaver has broken up my family, and I propose to see that justice is done.

"The action of Commissioner Bliss in reinstating Weaver came as a stunning blow to me. For weeks past the official has been in possession of evidence that should convince any sane man that Weaver is unfit to wear a police star. In support of this assertion, I offer the extracts from the letter written by my wife to Weaver.

"Bad Faith Shown"—Osborne.

Commissioner Bliss is accused of bad faith by Osborne. The Woodland man says the Commissioner, at a conference two weeks ago, took his address and telephone number in order to communicate with him for the purpose of getting additional testimony.

Shields Wife.

"I have not heard from the Commissioner since that meeting," said Osborne, "and as a consequence I am willing to have this letter published that justice may be meted out to Weaver. My wife is the lesser offender and I have no desire to cause her [76] unnecessary distress. But justice I intend to have."

Makes Other Charges.

Osborne says he has evidence prior to May, 1910, by which he can prove that Weaver visited his home at Sutterville nearly every day, during his absence, and remained several hours.

Weaver Tried to Get Letter.

Weaver has made several efforts to secure the love letter published above from City Prosecutor Cross but without avail. It is now in possession of Osborne, who says he will retain it even though it is addressed to Weaver. He declines to state how it came into his possession.

Mrs. Osborne is suing her husband for a divorce which he declares will never be granted. It is alleged in the complaint that Osborne tore up his wife's clothes and committed other unkindly acts. Osborne admits committing acts of this nature but says they were provoked by presents sent her by Weaver under an assumed name.

Technical Dismissal.

The case was dismissed in the Police Court, but Prosecuting Attorney Cross, in his address, said he believed Weaver guilty beyond doubt. Owing to a ruling of the Supreme Court, the evidence of relations between Weaver and the woman occurring before May, 1910, when such offenses became unlawful, could not be admitted. On this ground the case was dismissed, said the attorney. [77]

[**Affidavit of Ho Shee, Taken December 9, 1913.**]

In re HO SHEE, *alias* HAW SHEE,

Departmental Warrant 53575/255

12020/190.

State of California,

City and County of San Francisco,—ss.

Ho Shee, sometimes known as Haw Shee, being first duly sworn, upon her oath according to law doth depose and say:

That your affiant is a resident Chinese person lawfully domiciled with the United States of America, having arrived at the port of San Francisco on the steamer "Siberia" on October 14th, 1912. That your affiant thereupon made application to enter the United States as the lawful wife of Low Kwai, a native-born citizen of the United States, and thereafter the Commissioner of Immigration for the Port of San Francisco ordered your affiant admitted into the United States as such wife of a native born citizen thereof.

That immediately after landing, as aforesaid, your affiant went with her said husband and the child of your affiant's said husband by a former marriage, and went to live in the Oriental Hotel, at the corner of Clay and Stockton Streets, in San Francisco, California, and continued to reside there until the month of November, 1912, or for the period of about a month. That about 7 o'clock at night, during the month of November, 1912, when your affiant was alone in the room occupied by your affiant and your affiant's husband in the said Oriental Hotel, your affiant was taken, against her will and by force, to the Presbyterian Mission Home on Sacramento Street, by Miss Donaldina Cameron and some of her assistants. That the said Mission people, on entering the said Oriental Hotel, took into custody a Chinese woman who occupied a room two or three rooms away from that occupied by your affiant, and they also took your affiant with them, and your affiant alleges that their action in so doing was entirely unwarranted, because your affiant was a respectable Chinese family woman living in said hotel

with her husband, and your affiant was in her room at the time of her arrest, which, as before stated, was about 7 o'clock in the evening. That your affiant was held in the said Presbyterian Mission for a period of about two months, during which time your affiant was confined therein as a prisoner, she being refused permission to leave said Mission home and being refused permission to even telephone from the said home. That during the confinement of your affiant as aforesaid, your affiant's said husband made frequent and numerous attempts to see your affiant at said Mission home, but on each and every one of said occasions your affiant's said husband was refused permission to see your affiant or to send any word to her, and the said Mission people did not convey to your affiant the information that your affiant's said husband called at the said Mission home to see her, but on the contrary, that your affiant did not learn thereof until after her release as hereinafter stated.

That your affiant has had read and explained to her the testimony given in this matter by Tien Foo Wu, the Assistant Superintendent of [78] the said Presbyterian Mission Home, and has also had read and explained to her the statement made upon the same day by Donaldina Cameron, the Superintendent of the said Presbyterian Chinese Mission Home, and with respect to said statements your affiant denies that she ever sent or caused to be sent any word to the said Presbyterian Mission Home, or to any other home, as alleged in said statements. And your affiant further deposes and states that the re-

puted statements of your affiant in said testimony to the effect that your affiant had been leading an immoral life, or that she had been brought to this country to lead an immoral life, are entirely untrue, and your affiant never made any such statements. Your affiant does not know the Choy Kum referred to in the testimony of the said Tien Foo Wu, and has never heard of the said person prior to the testimony of the said Tien Foo Wu being read to your affiant. Your affiant further denies that the stepson of your affiant was sold to a slave-owner, and denies that she has ever had any conversation with anyone at the said Mission relative to the same, but on the contrary, your petitioner alleges that the said Mission people tried to convince your affiant that your affiant had been brought to this country for immoral purposes and asked your affiant questions seeking to show that your affiant's said stepson had been brought to this country to be sold. And your affiant denies further that she ever stated that she had practiced prostitution in the said Oriental Hotel or any other place. Your affiant denies that the said Mission people have ever heard that your affiant has led an immoral life, save and except that if they did so hear that they heard the same through the agency of interested persons who have self-seeking ends to attain. Your affiant further denies, as testified to by Miss Cameron, that when your affiant was in the Mission Home that she frequently discussed her life in Chinatown as a slave girl, and her hardships in that life, and in this connection your affiant denies that your affiant at any time made any such state-

ments while confined in the said Presbyterian Mission, and denies that she is or ever was a slave girl.

Your petitioner further denies that she ran away from the said Presbyterian Home by climbing over a fence at night, and in this connection your affiant alleges that, your affiant being confined in said mission home as a prisoner for a period of about two months, during which confinement she was not even permitted to use the telephone, nor to have any one of her friends nor her husband to see her, your affiant saw an opportunity to walk out of the front door of said mission home, which front door had inadvertently been left open at about half-past six o'clock at night, and your affiant accordingly walked out of the said door and into Chinatown, which is one-half block distant. That your affiant thereafter found her husband and joined him, and feeling that they would be hounded and persecuted by the Mission people who had held your affiant as a prisoner as aforesaid, your affiant and your affiant's said husband went to a town way up in the mountains, the name of which your affiant did not remember at the time of her examination herein, but which said town was known by the name of Yreka, and that your affiant and her husband resided there for a period of seven months, during which time your affiant's husband was employed as a cook in a drug and merchandise store conducted by Fong Wing, and your affiant resided with her husband and the family of the said Fong Wing in the building adjoining the said store, and your affiant and her said husband continued to reside there as aforesaid for

a little over seven months. That during [79] this time your affiant's said husband and your affiant saved almost all the salary of your affiant's said husband, and when they left Yreka and came to Sacramento your affiant sold some of her jewelry, and, taking the cash into which it was converted, she joined the same with her husband's salary aforesaid and placed the total in a bank at Sacramento within one or two days after her arrival there from Yreka. That your affiant's said husband was looking around Sacramento and the places adjoining for the purpose of investing our money in shares in certain Chinese farming companies, and during his trips in and out of Sacramento on said business your affiant resided in Sacramento in the living apartments or lodging quarters back of the store of Yick Soo Tong, at No. 907 Fourth Street, where your affiant resided with her said husband, and that your affiant continued to reside there for about the period of one week or ten days, when your affiant was arrested in about the middle of the daytime on the street in front of said store.

Your affiant further deposes and says that the testimony given in this matter by the police officer in Sacramento who professes to identify your affiant as an occupant of a house of prostitution for a period in the neighborhood of about three months prior to the date of your affiant's said arrest, was either willful, deliberate perjury on the part of said officer, or is a case of mistaken identity, for the reason that your affiant resided continuously in Yreka during all of the time in question, save and except about

one week or ten days prior to the time of her said arrest and which was the only part of said time that your affiant resided in Sacramento, and that during all of said time your affiant lived, as hereinbefore stated, with her said husband, both at Yreka and Sacramento, as aforesaid, and not otherwise, and that never at any time was your affiant an inmate or an occupant of, or a visitor to or at the said premises referred to in the testimony of the said police officer.

Your affiant further states, upon information and belief, that the testimony of this said police officer is inspired by enmity and hatred towards a Chinese person in Sacramento with whom he has been involved in some kind of litigation, and further, your affiant is informed that the said police officer has since been dismissed or suspended from the police service of Sacramento by reason of the unreliable nature of the service rendered by him, and by reason of the fact that his reputation for truth, honesty, veracity and integrity is bad. That these latter averments with respect to the said police officer are upon information and belief of your affiant, and your affiant desires a further opportunity of presenting more direct evidence upon said matter.

Your affiant further alleges that she has at all times during her residence in the United States been a family woman of good reputation and character; that she has never followed any immoral life nor engaged in any questionable or immoral pursuits, and your affiant desires to condemn most strongly the conduct of the Mission people in this matter

[80] in attempting to persuade your affiant that she had been brought to this country for immoral purposes and in attempting to separate her from her husband.

her
HO X SHEE.
mark.

Subscribed and sworn to before me this 9th day of December, 1913.

[Seal]

HARRY L. HORN.

Notary Public in and for the City and County of San Francisco, State of California.

Ho Shee being unable to write, she made her mark and I wrote her name at her request and in her presence.

HARRY L. HORN. [81]

[Affidavit of Ho Shee, Taken December 20, 1913.]

In re HO SHEE, *alias* HAW SHEE,
Departmental Warrant 53575/255
12020/190.

State of California,
City and County of San Francisco,—ss.

Ho Shee, *alias* Haw Shee, being first duly sworn, upon her oath according to law doth depose and say:

That your affiant makes this supplemental affidavit for the purpose of answering the additional evidence filed against her in this case on December 9th, 1913, said evidence in question consisting of copies of three affidavits made on November 20th, 1913, but which were not incorporated in the record

herein until the 9th of December, 1913.

Your affiant was arrested on the 17th of October and was released on bail on the 21st of October, when she went to reside with her husband in Room No. 16 on the top floor of the Peking Hotel at No. 770 Commercial Street, San Francisco. That this said Peking Hotel is owned by the Chinese Consolidated Benevolent Association, (Chinese Six Companies), and is operated and conducted as a first-class Chinese hotel. That the guests of said hotel are Chinese people of good reputation and character, and while residing in the said hotel they expected to and do conduct and demean themselves as such. That upon my release upon bail I had to go some place to live pending the determination of the charges made against me, and as my husband and myself had not lived in San Francisco for a long time, we accordingly went to this Peking Hotel and both of us were occupying the same room and had our clothing in said room. That my husband sought and received employment as a porter in a saloon in the white man's part of the City of San Francisco and he is not released from his employment until very late at night. That this class of employment is not desired by my husband, nor did I desire that he should have such employment, but in view of the expense that we were under, he had to have some kind of employment and therefore took the first position which he could obtain. That I had been at large upon bail for about 15 days, when, on the night of the 6th of November, at about half-past ten o'clock, some immigration and police officers entered

the said Peking Hotel. I had my door locked and was just about to retire for the night and was in my room alone. They knocked at the door and demanded that I open it, and though I was frightened at the thought of strange men coming to my room I was compelled to open the door for them. I asked them what they wanted and they told me that the immigration officers did not think that the place where I was living was a hotel. Without giving me any further explanation, although I told them that I was released on \$3,000.00 bail and was just living there while getting ready for my case, they took me to jail, where I had to stay the balance of the night and in the morning I was taken to Angel Island where I was kept in detention until the 13th of November, [82] when I was again released.

That though your affiant was detained at Angel Island, as stated, after her arrest in the Peking Hotel, for a number of days, she was not examined or interrogated by the Immigration officers, and for said reason there is no statement of any kind by your affiant made immediately after her last arrest and before her release as aforesaid.

That your affiant and her said husband have done and are doing everything in their power to present the true facts to the Department relative to the life of your affiant in this country, and your affiant desires again to reiterate that she has never since her entry into the United States followed any immoral occupation nor engaged in any immoral pursuits, but

on the contrary, has lived as a respectable Chinese family woman.

her
HO X SHEE.
mark.

Subscribed and sworn to before me this 20th day of December, 1913.

[Seal] HARRY L. HORN,
Notary Public in and for the City and County of San Francisco, State of California.

Ho Shee being unable to write, she made her mark, and I wrote her name at her request and in her presence.

HARRY L. HORN. [83]

[Affidavit of Low Kwai, Taken December 20, 1913.]

In re HO SHEE, *alias* HAW SHEE,
Departmental Warrant 53575/255
12020/190.

State of California,
City and County of San Francisco,—ss.

Low Kwai, being first duly sworn, upon oath deposes and says:

That your affiant is a native-born citizen of the United States of America and such fact has been the subject of examination and has been so adjudicated, the last occasion being upon the return of your affiant from China, when your affiant was incoming passenger on the Steamship Siberia, which arrived at the Port of San Francisco on the 14th day of October, 1912, and your affiant was thereafter ordered admitted into the United States by the Com-

missioner of Immigration for the Port of San Francisco as such native born citizen thereof. That your affiant was accompanied on said trip by his wife, Ho Shee, sometimes called Haw Shee. That after due and appropriate investigation and examination by the said Commissioner of Immigration your affiant's said wife was permitted to enter the United States as the lawful wife of a native-born citizen of the United States, and your affiant was also accompanied on said trip by your affiant's baby son, the stepson of the said Ho Shee. That immediately after the landing of affiant, as aforesaid, he went to the Oriental Hotel in San Francisco and made arrangements there to reside in said hotel with his wife and said child, and after their landing as aforesaid they went to said hotel and resided there with your affiant, and after so residing there for the period of about a month, at the expiration of said time and at about 7 o'clock in the evening, while your affiant had his said son out for a walk, Miss Cameron, of the Presbyterian Mission and others acting in concert with her, entered the said Oriental Hotel and forcibly took his said wife, Ho Shee, away with her to the said Mission. That your affiant was not present at the actual time that this act was committed, and as soon as he found out what had been done your affiant went immediately to the said Presbyterian Mission, and this he did not only once, but on numerous occasions thereafter, and asked to see his said wife, but on each and every one of said occasions he was refused permission to see his said wife and was told that his wife did not want

to see him, and no message or word of any kind was ever delivered to your affiant, notwithstanding the fact that your affiant's said wife made repeated and numerous attempts to have some word delivered to your affiant.

That after your affiant has been robbed of his wife by these Christian women, as aforesaid, your affiant was left with a little child upon his hands, and being unable to personally take care of the infant, he took it and left it with the family of his friend, Wong Joe Sai, with whom he made arrangements to pay for the taking care of the child for affiant. That after a lapse of about two months' time your affiant's said wife managed to escape from the said Presbyterian Mission, where she had been incarcerated as a prisoner, and made [84] her way into the Chinatown District of San Francisco, where your affiant joined her. That well knowing that the said Mission people would continue their operations against your affiant's said wife, and realizing that these Mission people would leave no stone unturned in their fight against the wife of your affiant in their endeavor to gain control of your affiant's said wife for their own ends and purposes, and your affiant and his wife being very devotedly attached to one another, your affiant and his said wife decided that the best thing for them to do would be to get out of the way of the Mission people, and as your affiant secured a suitable position in the country, he took his said wife and went to Yreka, where your affiant was employed as a cook by Fong Wing, the manager of the store of Chung Wah Tong & Co., and your

affiant was so employed in said store for the period of about seven months, during which time your affiant and his said wife resided with Fong Wing's wife and children, the wife of the said Fong Wing being named Wong Shee and his family consisting of three children,—a daughter and two sons, and your affiant and his said wife resided with them in a building adjoining the said store for a period of about 7 months, during which said time your affiant and his said wife did not leave Yreka at any time. That your affiant and his said wife went to Yreka in March and left Yreka on the 8th day of October, 1913, for Sacramento.

That at the time the application for the issuance of a warrant in this case was made, stating, from an anonymous source, that your affiant's wife was practicing prostitution in the Oriental or the Republic Hotel of San Francisco, your affiant's said wife was in Yreka, and was not in San Francisco at all during said alleged time. That your affiant alleges and is firmly convinced in his mind that the source of the anonymous communication referred to was inspired directly or indirectly by people connected with the said Presbyterian Mission and was incited by such anger and hostility towards the wife of your affiant because of her escape from their said Mission, and your affiant alleges that had their act in the premises been prompted by respect of the law, and had they believed sincerely the truth of the representations made, that they would immediately have given the information which would have resulted in the application of the warrant of arrest; and your affiant

alleges upon information and belief that because the said Mission people did not believe that your affiant's wife had violated the law, and that they had not sufficient or any evidence and proof thereof, that they therefore refrained from applying and did not apply for or ask for a warrant of arrest, and in this connection your affiant further alleges upon his information and belief that the said warrant of arrest was only applied for after the said Mission people realized that they could not find the wife of your affiant and that they therefore desired to seek out their revenge upon her.

That while your affiant was employed at Yreka he and his said wife saved all of their money, and upon coming to Sacramento your affiant's wife converted some of her jewelry and wedding presents into cash, and, together with the said savings, deposited the entire sum in a bank at Sacramento; and while in Sacramento your affiant resided with his said wife in the rear portion of the drug store of Yick Soo Tong, at No. 907 Fourth Street, and your affiant was traveling around in the vicinity thereof, looking around at different farming projects in close proximity to Sacramento, and which Chinese companies were forming to cultivate the same, said farming enterprises being operated on shares, in which [85] different Chinese each invest a small amount of money and share proportionately in the final yield of the crops, and it was when your affiant was in Sacramento for such purpose and after he had resided there for a little over a week, that, without any cause or provocation, your affiant's said wife

was taken into custody by the Immigration and police officers of Sacramento. Your affiant's said wife was arrested about in the middle of the day-time, on the street right in front of the drugstore above mentioned. That she was not engaged in following any immoral pursuit, nor had she been, and that her arrest was prompted solely as a result of a campaign of police persecution which was being waged in Sacramento by a certain police officer there by the name of James Weaver, who was an enemy of a certain faction of Chinese to which a Chinaman by the name of Louie Ding belonged, and that the identification of your affiant's wife by the said police officer, James Weaver, as having been an inmate of a house of prostitution of Sacramento for a period of three months prior to her arrest, was absolutely false, and his statement or charge to that effect was either plain, bald perjury on the part of the said officer, or else he was mistaken in his identity, for the reason that your affiant's said wife had been living with your affiant continuously for upwards of seven months prior to the date of her said arrest, and all but nine days of which time was spent in the City of Yreka as aforesaid.

That after the arrest of your affiant's said wife, she was brought to San Francisco and detained at the Immigration Station for a few days until your affiant could arrange for her release upon bond, and upon her release she and your affiant went to live together at the Peking Hotel at No. 770 Commercial Street, in the City of San Francisco. That this

Peking Hotel is owned by the Chinese Six Companies of San Francisco. The said land upon which said hotel is situated was, before the fire, occupied by the building in which the said Chinese Six Companies had their headquarters. The said property is now occupied by a building which is conducted and operated as a first-class hotel at the present time, and was so operated and conducted at the time your affiant and his said wife lived there, as aforesaid, and that the statement contained in affidavits filed herein to the effect that Louie Quong is the manager of the said hotel is totally and positively false, for the reason that the said hotel is managed by *Mar Hing Yee*, a Chinese of very high standing in this community who was formerly the vice-president of the Ning Young Co., which is one of the Chinese Six Companies. The charge contained in certain affidavits filed herein against your affiant's said wife to the effect that the said Hotel Peking has the reputation of being a place where Chinese prostitutes gather, and where prostitution is practiced, is entirely at variance from the facts, because the said hotel positively has not such a reputation and it is not operated or conducted as a house of questionable character, and your affiant alleges that the affidavits filed in this case to the contrary are inspired by malice and hatred, are not based upon the facts of the matter, and are made by persons having a deep interest in besmirching the reputation of Chinese whom they do not find pliable in their hands.

That your affiant, since the arrest of his said wife, has resided with her in room No. 16 in the said

Peking Hotel, and your affiant's personal effects and clothing have been and are in said room with those [86] of your affiant's said wife. That when your affiant came to San Francisco, after the arrest of your affiant's said wife, he sought employment and obtained the first situation which he could obtain, which is that of a porter in a saloon removed from the Chinese district of San Francisco, and it is for that reason that it is a late hour in the night that your affiant finishes his work and is unable to return to his home until late at night. That your affiant did not seek to establish a permanent residence in San Francisco for his wife and himself for the reason that he realized that his wife would be the object of persecution by the said Mission people as long as she remains in San Francisco, and it was therefore the desire on the part of your affiant and his said wife to take up their residence away from San Francisco in a locality so small, so far as Chinese population is concerned, that the method and manner of the life of your affiant and his wife would be as an open book and which all might know was above reproach. That the action of the Immigration authorities in taking into custody the wife of your affiant, and in forcibly taking her from our room in the Peking Hotel, was entirely without any just cause or provocation whatsoever.

That the plan of campaign carried on by the Mission people in obtaining possession of young Chinese married women, has been demonstrated many times in the past, when they secure the annulment of their marriages and then, under their supervision, have

new marriages contracted by people who are well able to defray the expenses. That there are many instances of such annulment proceedings in the Superior Court of the City and County of San Francisco. While it may be true, in some instances, that such action on the part of the Mission people is for the best interests of the parties concerned, it does not follow that such is always the case, and in their zeal, your affiant alleges, that they are often carried beyond the limits of justice, and do work positive injury and injustice.

That your affiant and your affiant's said wife are very greatly devoted to one another and desire to be let alone and freed from the persecution and prosecution to which they have been subjected, so that they might continue to live peaceably together as man and wife.

The statement contained in the affidavit of Miss Cameron and that of her assistant superintendent in said Presbyterian Mission to the effect that your affiant's wife was practicing prostitution in the Oriental Hotel immediately after her landing here, is ridiculous and absurd. The Oriental Hotel is a respectable hotel and is conducted and operated as such; and your affiant further states that your affiant's said wife, after being landed, was living in San Francisco in the said hotel but about one month prior to her being taken into custody by the said Mission people, and during all of said time her life was respectable in every way, notwithstanding the statements contained in the said affidavits to the contrary. Your affiant believes that it was the intention

of the said Mission people to try and persuade the wife of your affiant to lend herself into being a party to the annulment of the marriage existing between your affiant and his said wife, under the promise of the said Mission people to obtain a very rich husband for her, and your affiant further alleges that this [87] self-elected position of passing upon the private life of Chinese people, which is assumed by the women in charge of these missions, is in the opinion of your affiant, contrary to every principle of American justice.

LIM GIN.

Subscribed and sworn to before me this 20th day of December, 1913.

[Seal]

HARRY L. HORN,

Notary Public in and for the City and County of San Francisco, State of California. [88]

[Affidavit of Gee Sing Sam, Taken December 22, 1913.]

State of California,

City and County of San Francisco,—ss.

Gee Sing Sam, being first duly sworn, deposes and says:

That he is a resident Chinese merchant lawfully domiciled in the United States of America, and that he is at present, and during all of the times hereinafter mentioned has been, the Secretary of the Chinese Consolidated Benevolent Association, more commonly known as the Chinese Six Companies. That this institution is a quasi Governmental body, composed of the representatives from seven different Chinese companies, the presidents of which are ad-

mitted into this country on Officials' Certificates issued by the Chinese Government and honored by the Government of the United States, and these presidents are therefore accredited Chinese officials.

This said Association is the owner of a certain piece of real estate on Commercial Street now known as No. 770, in the City of San Francisco, and on this piece of property the said Association has erected a building which is now occupied and known as the Peking Hotel.

That when your affiant was elected to the office of Secretary of the said Association the said building had been completed and was vacant for some time, when your affiant took up with the governing bodies of the said Chinese Six Companies the question of renting the said building, and your affiant suggested to them the proposition of advertising in the Chinese papers and calling for the submission of bids from any person who might desire to rent the building aforesaid, such notice specifically providing that the said building would have to be used for legitimate and lawful purposes, and such a notice was accordingly published. About May 4th these bids were submitted at a regular open meeting of the said Association, and upon this matter being taken up there were six different bids submitted, the highest of which was that submitted by Mar Hing Yee, who was then the vice-president of the Ning Young Co., which is one of the Chinese Six Companies. Mr. Mar Hing Yee is a Chinese gentleman of the highest reputation and standing. The bid submitted by him was for \$123.60 per month. The other bids sub-

mitted were lower than that of the said Mar Hing Yee. It was expressly stipulated and understood by all those who submitted bids that this building would have to be occupied for legitimate and lawful and honorable purposes, and it was so understood, and said building was leased upon such expressly understood terms and conditions. Our Association would not under any circumstances or conditions consent to the occupancy of our building for immoral purposes. Such offers have been made to us at a rate of rental two or three times in excess of that which we are now receiving, but our Association [89] refused to entertain any such proposition as the occupancy of our Association and Governmental building for immoral purposes. The said Mar Hing Yee opened up the said building and premises as a hotel under the name of the "Peking Hotel."

GEE SING SAM,

Secretary of the said Chinese Consolidated Benevolent Association, Commonly Known as the Chinese Six Companies.

Subscribed and sworn to before me this 22d day of December, 1913.

[Seal]

RICHARD H. JONES,

Notary Public in and for the City and County of San Francisco, State of California. [90]

**[Affidavit of Mar Hing Yee, Taken December 22,
1913.]**

In re HO SHEE, *alias* HAW SHEE,
Departmental Warrant 53575/255,
12020/190.

State of California,
City and County of San Francisco,—ss.

Mar Hing Yee, being first duly sworn, deposes and says:

That your affiant is at the present time the lessee of the Peking Hotel at No. 770 Commercial Street, San Francisco, California.

With respect to the said hotel, your affiant declares that the said property and building belongs to the Chinese Consolidated and Benevolent Association, more commonly known as the Chinese Six Companies. That the said organization advertised in the Chinese papers for people desiring to rent said building to submit their bids, which said bids would be opened at a stated meeting of the said Association. Desiring to lease said building, your affiant submitted a bid for \$123.60 per month. There were four or five other bids submitted and upon their being opened it was ascertained that the bid submitted by your affiant on the lease of said building was the highest, and the lease thereof was thereupon awarded to your affiant.

That it was expressly stipulated, understood and agreed, prior to the submission of the bids, that the building must not be used for any immoral, illegitimate or unlawful purposes, and in this connection your affiant declares that if the said building could

have been used in any other wise its rental would have been two or three times that obtained. After obtaining the lease to said building your affiant caused the same to be furnished and fitted up and opened as the "Peking Hotel," and it is to-day one of the first and highest classed hotels in the Chinese district of San Francisco, and it is not now and never has been used as a place for prostitution for Chinese, nor has it had the reputation of being a place where Chinese gather for immoral purposes, nor is Louis Quong reputed to manage the same, nor has he any interests in or connection with the said hotel in any way, manner, shape or form.

That at the time of submitting the bid of your affiant herein your affiant was the vice-president of the Ning Yung Co., which is one of the Chinese Six Companies, and as such Chinese official your affiant has always strived and does now strive to operate, maintain and conduct the said hotel as aforesaid, on a legitimate and honorable basis and as a Chinese family hotel. That the woman above described, Ho Shee, and her husband, Low Kwai, rented room No. 16 in the said Peking Hotel about the 21st day of October, 1913, and do now and have ever since occupied the said room. That on the 6th day of November, 1913, some immigration and police officers entered the said Peking Hotel and went through it and found Ho Shee in her room alone. The hour was about 10:30 at night. She was taken away by the officers and was held [91] at the Angel Island Immigration Station until the 13th of November, 1913, when she again returned to the said hotel and

has since been living there with her said husband, Low Kwai. That during the time that the said Ho Shee has been residing at said Peking Hotel with her said husband she has deported and demeaned herself as a Chinese family woman of good reputation and character, and the said Ho Shee has not been engaged in any immoral occupation or pursuit in the said Peking Hotel, for such an occupation or pursuit would not be tolerated by the management of the said hotel, nor would it be condoned or overlooked, and our surveillance is such that we know that she has lived as a Chinese family woman of good reputation and character while in our said hotel.

(Chinese Character.)

Subscribed and sworn to before me this 22d day of December, 1913.

[Seal]

RICHARD H. JONES.

Notary Public in and for the City and County of San Francisco, State of California. [92]

Exceptions and Protests [Taken and Made by Mr. McGowan].

In re HO SHEE, *alias* HAW SHEE,
Departmental Warrant 53575/255,
12020/190.

EXCEPTIONS AND PROTESTS.

The regulations of the Department providing that the exceptions and protests of counsel should not encumber the record of the hearing, but should be filed in a separate statement, we now therefore, in compliance with said regulations, submit the following exceptions and protests:—

1st. We desire to protest to the denial of the right of counsel to the defendant on the 20th day of October, 1913, when Tien Fuh Wu and Donaldina Cameron were examined upon behalf of the Government without permitting the defendant to be present and without permitting her to be represented by an attorney at said examination, and we therefore, for said reason, move to strike from the files the examination of each of the said witnesses, and should the said motion to strike out not be granted, we desire then to protest against this case being closed without setting a time when the said two witnesses might be examined, so that the defendant might have an opportunity of being present and represented by her counsel.

2d. We desire to protest in this matter to the detention in custody of the said defendant from October 17th, 1913, to October 21st, 1913, without arraigning her under the warrant of arrest which the immigration officials had in their possession at the time the said defendant was arrested. We desire to protest to the injury occasioned the defendant by the failure to arraign her and accord her the right of attorney immediately after her arrest. We desire to protest at the action of the immigration officials in examining witnesses and taking evidence against the defendant herein after they had her in custody and while they withheld the right of counsel from her.

3d. We desire to protest to the taking of the defendant into custody on the 6th of November, 1913, and her being retained in custody until the 11th of November, 1913, by the said Immigration officials,

notwithstanding the fact that the said defendant was, prior thereto, at liberty upon a bond, as provided by the Secretary of Labor in the said warrant of arrest.

4th. We desire to protest to the incorporation in the record herein of the testimony of James Weaver, taken in Sacramento on the 17th day of October, 1913, and we desire to request that a hearing be set in this case at Sacramento, so that the defendant might be accorded the opportunity of being present with her counsel for the purpose of cross-examining the said witness James Weaver upon behalf of the defendant, and should such request be refused, we desire to except thereto and then request that said hearing be set so that the said witness, James Weaver, might be examined on behalf of the defendant, and we desire finally in this matter to protest against said [93] case being closed without according the defendant an opportunity to question said James Weaver upon the subject of his identification of this defendant as being an inmate of a house of prostitution at Sacramento for upwards of three months, when on the contrary the facts are, and as disclosed by the evidence submitted upon behalf of the defense, that the said defendant was not in Sacramento but for about nine days prior to her arrest on the 17th day of October, and therefore could not be the person whom the said witness, James Weaver, had in mind when giving his said testimony, and we desire to protest to the case being closed without an opportunity being accorded the defendant and her counsel to examine the said James Weaver as aforesaid, or in some way or manner having him examined upon the point in

question in the light of the evidence submitted by the defendant herein.

5th. We desire to protest to the injury sustained by the defendant herein by reason of the telegram transmitted on the 7th day of November, 1913, by the Commissioner of Immigration for the Port of San Francisco, wherein he states to the Department as a "fact" the following: "Because of the fact that alien violates law pending adjudication of her case," when no evidence had been submitted in this case showing that the defendant had violated the law pending the adjudication of her case.

6th. We desire to except and protest to the incorporation in the record herein of the copies of affidavits of Daniel J. O'Brien, Miss Carrie G. Davis and Miss Donaldina Cameron, which said affidavits were dated November 9th, 1913, and were withheld or not in fact submitted in this case until December 9th, 1913, and we desire to protest at this evidence being so taken and so incorporated in the record herein at a time when the defendant was, under the regulations, accorded the right of counsel, and by such a method of procedure preventing the defendant or her counsel from being present at the taking of the testimony of the said three witnesses and safeguarding the rights and interests of the defendant herein at the examination of the said witnesses, and we therefore move that the said affidavits be stricken from the files, and, if said motion be not granted, that a time and place be set and the defendant or her counsel notified thereof, so that the said witnesses may be cross-examined as to the subjects contained

in their said affidavits, and if said examination be not allowed we desire to reserve an exception thereto and then request that the defendant be permitted to examine upon her own behalf the said witnesses for the purpose of showing that the said defendant is not known by any of the said witnesses to have practiced prostitution, or violated the Immigration laws, as alleged by said Commissioner in his said telegram, and for the purpose of showing further that the said Peking Hotel is known and reputed to be a Chinese family hotel of good reputation, and for the purpose of showing further that the said witnesses have no information within their knowledge detrimental to this defendant on the issues herein joined against her, and we desire finally to state that if the request contained in the first paragraph of our letter of December 22d herein be not complied with, we desire in that event to protest to the action of the said Commissioner in preventing the defendant the opportunity of presenting the evidence therein requested.

[94]

In finally submitting these protests and exceptions, we desire to except to the rule of practice enforced in this case which compels the defendant to submit her evidence in her case in opposition to the charge made against her in the form of affidavits, maintaining and contending therein that such a course and class of procedure prevents her from a fair and adequate opportunity of presenting her defense, and prevents the full value of her defense from being comprehended by the Department, and we desire further to protest to the class of hearing which

the Commissioner and the Department have elected in this matter, to present the case to the Government by affidavits and oral examinations in such method and in such manner as to prevent the defendant from any opportunity to examine or cross-examine said Governmental witnesses, and by electing to examine their witnesses orally while they withhold the right of counsel from the defendant herein, and submit the evidence of their witnesses by affidavits after they accord the right of counsel to the defendant, thus preventing the defendant from a fair and adequate opportunity of testing the value of the evidence of the said witnesses and showing its true worth and value to the Department.

Respectfully submitted,

GEO. A. McGOWAN,

Attorney for Defendant herein, Ho Shee, *alias* Haw Shee. [95]

Brief on Behalf of Defendant.

In re HO SHEE, *alias* HAW SHEE,
Departmental Warrant 53575/255
12020/190.

It is not the desire of counsel to overburden the Department with any lengthy presentation of the issues involved in this case, but it will suffice to briefly call attention to the principal points involved.

This defendant arrived in the United States in October, 1912, and immediately after her landing she went to live in the Oriental Hotel with her husband, where she remained for the period of one month. According to the present testimony of the Mission people she was then rescued from a life of immoral-

ity, and as a basis for that assertion the Mission people state that while the defendant was in the Mission home she admitted to them that she had been leading a life of shame prior to being taken to the Mission, and as a further basis of their testimony on this point they recite the circumstances under which they found the woman in the Oriental Hotel, which convinced them that she was practicing prostitution there. As opposed to this, the defendant denies that she ever made any such statements as are attributed to her. In this regard it might be well to call attention to the fact that Miss Cameron does not speak the Chinese language and this defendant does not speak the English language, so that this issue is narrowed down to the conflicting statements of two Chinese women,—the one the defendant, and the other the Assistant Superintendent of the Chinese Mission. Attention is particularly directed to the affidavits of the defendant and her husband, in which they recite that the wife was taken against her will and by force from her husband's home and was kept in the Mission for over two months as a prisoner and in close confinement, in this, that she was not permitted to go out of the Mission, was not permitted to send any message from the Mission, nor to use the telephone therein, nor was she permitted to see any persons who called there to see her, and that finally, when a suitable opportunity presented itself and a door of the Mission was unguarded, she simply walked out of the Mission and rejoined her husband. If this woman was a violator of the Immigration law it was the duty of

the Mission people to have immediately so informed the Government officials. The fact that they did not do so is evidence of some motive of their own in the premises. We believe that the facts are sufficient to show that if the Mission people were desirous of upholding the law they would have reported this case immediately and a warrant would have been asked for, and we believe that it was because the facts did not so warrant that no such application was made.

The Oriental Hotel is a Chinese hostelry well known as a family hotel and it advertises as such in the Chinese daily papers. That clandestine acts of immorality may occasionally be committed in any hotel must of course be conceded, but because some such instances [96] may be disclosed is no reason why the hotel itself should be classed as a Chinese brothel or house of assignation, particularly when it is well known that the facts do not justify such a condemnation.

This defendant was actually arrested in Sacramento on the 17th of October, 1913. This arrest took place at about half past nine o'clock in the morning at No. 907 Fourth Street, just in front of the store of Yick Soo Tong, in the rear of which the defendant had been living with her husband. There are no circumstances shown in the record which connect this defendant in any way with an immoral house in Sacramento, nor any deeds of immorality in Sacramento, excepting as set forth in the testimony of a policeman by the name of James Weaver. This policeman is so thoroughly discredited that his testi-

mony is scarcely worthy of serious consideration. The defendant has shown by an abundance of evidence that she has resided in Yreka for upwards of seven months before her arrest, and that she was in Sacramento for only nine days prior to her arrest. This is particularly shown by the affidavit of Elsworth Tubbs, of Yreka, who knew the defendant in Yreka and saw her many times there, and was upon the train with them when they left Yreka for Sacramento upon the 8th of October, 1913, and it is also shown by a number of witnesses from Yreka, white as well as Chinese, that the defendant resided in Yreka for upwards of seven months prior to the 8th day of October, 1913, thus showing conclusively that the testimony of Policeman Weaver is either willful and deliberate perjury or he has made a mistake in the identity of the defendant. There is further shown, as affecting the credibility of Weaver, the fact of there being different Chinese factions in Sacramento, and that he is very friendly to one faction and has caused the arrest of a member of the other faction whom he has been fighting, and it is further shown that he was suspended from the police force of Sacramento under most revolting circumstances. The class and caliber of this police officer is quite graphically set forth in the newspaper clippings of the "Sacramento Bee," which are submitted in the record. The further testimony submitted from Sacramento shows that for the eight or nine days that the defendant actually resided in Sacramento she was living a proper and upright life.

With respect to the defendant having been taken

into custody at the Peking Hotel in San Francisco, we desire to point out that the record is absolutely silent and contains no evidence that the defendant was practicing prostitution or engaged in any other immoral pursuits in the said Peking Hotel. This defendant did live in San Francisco and when she was released upon bail the most natural thing for her and her husband to do was to go to a hotel and establish their temporary abode until this case was disposed of, and this action they accordingly followed. The affidavits of Police Officer O'Brien, Miss Cameron and Miss Davis are very shrewdly drawn and they do not set up or deny that the Peking Hotel carries on a straight, legitimate hotel business, because it is well known that they do conduct a straight and legitimate hotel business; but these affidavits simply recite that some Chinese women gather there and engage in immoral pursuits. This is not a showing that this defendant followed such an objectionable course, nor is it a showing that said hotel does not conduct a legitimate hotel business. The greatest hotels in the world are liable to be occasionally imposed upon, because the very [97] nature and class of their calling is such that they are open to the public and must receive those who apply for quarters, unless they know positively some good reason why they should close their doors to such an applicant, and in fact they would be liable in damages if they did refuse to receive a person without good cause.

The whole showing against this defendant seems to savor very much of spite-work and to be the result of the disappointment of the Mission people in not

being able to keep this defendant in their Mission so that they could work out their own designs with her, and we submit that their interest in this case and the fact that they did not report the case during the two months that the woman was held a prisoner in their Mission, and that it was not so reported until after they realized that they could not find the woman, shows that their action in the premises was prompted by malice or over-zealousness. It is not necessary to charge that the lady at the head of this institution does work of this character, for it is well known that there are many over-zealous workers connected with these institutions, and others who seek to curry favor in connection with it, all of whom are only too glad to render services which might be of benefit to their home.

In finally submitting this case, we express the firm belief that there is no evidence contained in this record which is free from suspicion and sufficiently clear to justify a finding adverse to this defendant. The testimony of police officer Weaver is discredited and the man himself apparently unworthy of belief and utterly devoid of character. The testimony of Miss Cameron relative to the admissions of this defendant while confined in the Mission, should not be considered, because Miss Cameron does not speak Chinese and these admissions would have to come through her interpreter, Miss Wu, which leaves the question as to whether or not these admissions were made as a matter of veracity between these two Chinese women. If it is said that the defendant is interested, it might with equal propriety be said that

this Mission interpreter is interested, and this examination of Miss Cameron and Miss Wu are further objectionable in that they do not show the circumstances under which this defendant was arrested, so that the Department could determine whether her surroundings were improper. Their statements contain nothing but conclusions and opinions of these two women, without giving the facts, if any, upon which they are based. We contend that the defendant is unfairly treated in this, and that the Department should draw its own conclusions and form its own opinions, and not be governed by those already made by interested witnesses. In other words, we contend that in such serious matters facts alone should be given so that the Department may therefrom form its own conclusions.

In conclusion we desire to state that we believe that the warrant of arrest should be quashed and this defendant restored to her husband.

Respectfully submitted,

GEO. A. McGOWAN,

Attorney for Defendant, Ho Shee, *alias* Haw Shee.

[Letter, Dated January 2, 1913, Mr. McGowan to
Commissioner.]

San Francisco, Calif., January 2d, 1913.

Hon. Samuel W. Backus,
Commissioner of Immigration,
Port of San Francisco.

Dear Sir:

In re Ho. Shee, *alias* Haw Shee,
Department Warrant No. 53575/255
12020/190.

Subject to all of the protests, exceptions and objections contained in the papers filed with you in the above-entitled matter upon the 24th of December, 1913, I desire to submit in addition thereto, and as part and parcel of the evidence upon behalf of the defendant therein, the joint affidavit of fourteen different affiants, attesting the character of the Oriental Hotel at No. 856 Stockton Street, and the Peking Hotel of No. 770 Commercial Street, San Francisco, and also attesting the character and reputation of the said Ho Shee and her husband Low Kwai. This affidavit is submitted in duplicate, one copy for your files and one copy to be transmitted to the Department with your record.

There is also submitted as an exhibit in this case, a copy of the Chinese newspaper known as the "Chinese Republic Journal," of the issue of November 1st, 1913, which is some days prior to the date of the arrest of the defendant in the Peking Hotel. This paper carries advertisements of both the Oriental Hotel [99] and the Peking Hotel, which are

involved in this case. The two advertisements referred to are marked in red ink.

Encls.

Yours very respectfully,

GEO. A. MCGOWAN,

Attorney for Ho Shee, *alias* Haw Shee, Defendant
herein. [100]

**[Affidavit of Wong Leung et al., Taken December
30, 1913.]**

In re HO SHEE, *alias* HAW SHEE,
Department Warrant No. 53575/255,
12020/190

State of California,
City and County of San Francisco,—ss.

We, the undersigned Chinese persons, residents of the City and County of San Francisco, State of California, being first duly and severally sworn, each for himself and not one for the other, upon our oaths according to law do depose and say:

That we have personal knowledge of the Oriental Hotel at No. 856 Stockton Street, San Francisco, California. That the said hotel is conducted and operated as a hotel for Chinese families and was so conducted and operated during the months of November and December, 1912, and has since been so conducted and operated. That we are personally acquainted with Low Kwai and his wife Ho Shee, and we know that they resided together as man and wife with a child of the husband by a former marriage in the Oriental Hotel for the period of about one month, which was right after the landing of said Ho Shee in the United States. That the said parties lived

together in said building as man and wife and the room which they occupied in said Oriental hotel was occupied for family purposes. That the claim that said Ho Shee lived in said hotel and there followed an immoral life is an untruth, and further she was only in said hotel about a month after her landing before she was abducted by the Mission people. The said Oriental Hotel is a well known Chinese family hotel and is quite extensively advertised as such hotel. That your affiants also have personal knowledge of the Peking Hotel, at No. 770 Commercial Street, That the said Hotel Peking is a modern, well known Chinese family hotel which has only been in operation for a few months. Any charge that the said Hotel Peking is a place where Chinese prostitutes gather and carry on their business is untrue, because the said hotel is conducted and operated strictly as a Chinese family hotel. That we know that since the latter part of October and the first part of November, 1913, the said Ho Shee and her husband have been residing in the said Hotel Peking, and that they have been living there, respectively, as man and wife, notwithstanding any charge that may be made to the contrary.

Your affiants further depose and state that both Low Kwai and his wife, Ho Shee, left San Francisco shortly after Ho Shee's escape from the Mission, and they did not return to San Francisco until October of the present year. And that during the months of March and April, when it was reported that Ho Shee was practicing prostitution in the Republic or Oriental Hotels, she was in point of fact not resid-

ing in San Francisco at all, but was residing in Yreka, which is distant about 360 miles from San Francisco. [101]

Name.	Occupation.
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Wong Leung,	Cook.
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(Chinese Character) (Wong Tue).

Dong Hong.

Yuen Sai Jee.

Wong Gan.

Lum Wing.

Chin Hee.

Hom Hee Tong.

Wong Yuen.

Wong Wing.

Wong Foon Yuk.

Lee Gim.

Wong Kwoon.

Kew Sing.

(Chinese Character) (Lee Jung).

Subscribed and sworn to before me this 30th day of December, 1913.

[Seal]

R. H. JONES,

Notary Public in and for the City and County of San Francisco, State of California. [102]

[Newspaper Clipping from "Chinese Republic Journal," Dated November 1, 1913.]

Chinese Republic Journal

報公國民華中

十九拿差筒話

"TELEPHONE CHINA 90

下照址住電通

CABLE ADDRESS, "TAITUNGBO"

PUBLISHED DAILY, EXCEPT SUNDAY, BY

Chung Wah Min Kock Kung Bo Co.

(FORMERLY THE CHINESE FREE PRESS, PUBLISHED BY TAI TUNG YAT BO CO.)

717 GRANT AVENUE, SAN FRANCISCO, CAL.

Entered at Postoffice at San Francisco, Cal., as Second Class Matter.

\$7.00 Per Annum

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12

NO.

259

Saturday

NOVEMBER

1

1913

(Two newspaper clippings, written in the Chinese language, are here inserted in the original petition, and a translation of same is included in this transcript pursuant to a stipulation of counsel, which is also embodied herein.) [104]

Brief on Behalf of Defendant.

HO SHEE, *alias* HAW SHEE.

Departmental Warrant.

BRIEF IN BEHALF OF DETAINED.

Ho Shee is the wife of a native, Low Kwai, and arrived with him on the Siberia, October 14th, 1912. They were accompanied by a baby boy, the result of Low Kwai's prior marriage. Immediately they took a room at the Oriental Hotel where they resided for one month, until one evening when Low Kwai took the child out for fresh air, a raiding squad under the direction of Miss Donaldina Cameron of the Presbyterian Mission, or her assistant Tien Fuh Wu, forcibly took possession of Ho Shee in her room and carried her to the Mission where Ho Shee was kept against her will, and without the privilege of communicating by telephone with her husband or of seeing him when he called at the Mission.

At the first favorable opportunity, after being detained several months, Ho Shee, escaped from the Mission through the open front door, joined her husband, Low Kwai, from whom she had been forcibly separated, and went with him to Yreka, California, where they found a home in the family of Fong Wing, who kept a drug and merchandise store and employed the husband as cook. They remained in

the home of Fong Wing from March, 1913, until about the 7th of October, when they went to Sacramento, it being the intention of Low Kwai, to put his savings, with money advanced by a Chinese Association, in farming lands in the vicinity of Sacramento. These facts are testified to by eight Chinese, and three white witnesses, namely: F. W. Armstrong, Searcher of Records of Yreka, Ellsworth Tubbs and Wm. Calkirt. Calkirt rode in the same car, same train, which carried Ho Shee from Yreka to Sacramento. All testified to the good character of Hoo Shee and exemplary life led by her and her husband in Yreka.

[105]

Ho Shee and her husband arrived in Sacramento about October 8, and immediately took an apartment back of the drug and merchandise store of Yick Soo Tong, at 907 4th St. Low Kwai went into the country in search of suitable farming land to lease or purchase, every day, but returned to his wife every night. These facts are testified to by six Chinese witnesses, the detained and her husband. On or about the 20th of October, or perhaps twelve days after her arrival in Sacramento, Ho Shee was arrested at half past nine o'clock in the morning, NOT IN A HOUSE OF PROSTITUTION, NOT IN HER ROOM WHERE IT MIGHT BE ALLEGED SHE WAS RECEIVING MALE VISITORS, BUT IN THE PUBLIC STREET, IN FRONT OF THE STORE OF YICK SOO TONG, behind which store she lived.

The warrant on which this arrest was made by Inspector Robinson was issued on the request of Act-

ing Commissioner Edsell at San Francisco, dated April 2, 1913 (one month after Ho Shee had gone with her husband to Yreka) in which Mr. Edsell stated that "FROM AN ANONYMOUS SOURCE" he is informed that Ho Shee "IS NOW PRACTICING PROSTITUTION" at the Oriental or Republic Hotel and that "HER HUSBAND DESERTED HER."

Following the hearings on October 20th and 21st Ho Shee was released on bail and came to San Francisco, with her husband Low Kwai. They took Room No. 16 at the Peking Hotel, which is a respectable Chinese lodging house, advertised as such in the Chinese newspapers of San Francisco. They have continued to reside in said Room 16 ever since, and said room was furnished with the apparel and belongings of both husband and wife. Low Kwai took the first position open to him, that of porter in a saloon in the white section of San Francisco, which kept him away from home until late at night when the saloon closed.

Ho Shee was again arbitrarily taken into custody by the immigration authorities on the night of November 6th, while she was alone in her room #16, Peking Hotel, her husband being absent attending to his duties as porter of a saloon, and she was [106] detained, without hearing until ordered released by giving additional bail on November 13th. Again, since November 13th, Ho Shee has been arbitrarily arrested, and is now detained against her will *and without the privilege of bail for causes which do not appear of record.*

ARGUMENT.

THE EVIDENCE THAT HO SHEE IS A PROSTITUTE IS NOT AS CONVINCING AS THE LAW DEMANDS AND HARDLY RISES ABOVE THE LEVEL OF UNSUPPORTED SUSPICION.

This evidence of guilt is to be found in the *ex parte* statements of Miss Donaldina Cameron, who knows nothing of any facts and cannot give even good hearsay testimony at first hand, because she does not speak Chinese, and Ho Shee, who is alleged to have confessed at the Mission that she had practiced prostitution, does not speak any English; of Tien Fuh Wu, Miss Cameron's assistant at the Mission; and Policeman Weaver of Sacramento. Also there are three *ex parte* affidavits as to the reputation of the Peking Hotel. These will be discussed *seriatim*.

Was Miss Donaldina Cameron acting in good faith with the immigration authorities if she harbored for some months a Chinese girl whom she believed to be a prostitute without reporting the facts to them? Did Miss Cameron act in good faith toward the alleged slave girl needing succor and pleading to have "her child" restored to her? The evidence, uncontradicted, shows that Miss Cameron did not permit Ho Shee to leave the Mission, use the telephone, receive friends, or even her husband who called frequently or communicate with any one on the outside during those months of her detention.

Tien Fuh Wu testifies that Ho Shee asked her and Miss Cameron to rescue "her little boy," but "we were busy and couldn't attend to it" and she "got

restless and left." HO SHEE WAS DETAINED AT [107] MISSION FOR MONTHS YET THE MISSION PEOPLE WERE TOO BUSY TO RESCUE THE CHILD WHICH THEY BELIEVED BELONGED TO HO SHEE. This child, according to every statement made by Ho Shee in this record, is the son of her husband by his first wife. Tien Fuh Wu gives no testimony of her own knowledge, no facts, no circumstances of the alleged prostitution, nor dates, nor places, nor even suspicions. She merely recites which she says Ho Shee TOLD HER. IT WAS SUCH EVIDENCE AS THIS WHICH MADE JOAN OF ARC A MARTYR AND A SAINT.

The testimony of Policeman Weaver that Ho Shee practiced prostitution in Sacramento for "three months" is either due to mistaken identity or direct perjury. As proved by three white witnesses and innumerable Chinese both of Yreka and Sacramento, Ho Shee and her husband had been in Sacramento perhaps twelve days when the wife was arrested on the public street. With the exception of Weaver every one called upon says that her conduct was good in Sacramento, that she resided there with her husband, and her home and associates in that place carry good repute.

BUT WHAT OF THE WITNESS WEAVER? He was suspended from the police force for thirty days, charged with having broken up another man's home, and he would have been prosecuted further but the law of 1910 rendered the evidence of the injured husband, W. E. Osborn, against him inadmis-

sible. His affidavit that Ho Shee practiced prostitution, at 406 alley is flatly contradicted by the six roomers at that number, which is a male lodging house. No one there knows her, or ever saw her. Louis Ding, who Weaver says told him that Ho Shee practiced prostitution at the alley number, testified that he has been an enemy of Policeman Weaver, and not being on speaking terms with him could not have made any such statement attributed to him; also that Weaver has raided his—Louis Ding's—family club house perhaps fifty times, without securing a single conviction, because he, Weaver, is friendly with a Chinese faction in Sacramento which is at war with Louis Ding's faction; and that #410½ alley, [108] mentioned by Weaver, is sublet to white people.

THE SECOND ARREST OF HO SHEE, IN HER ROOM IN THE PEKING HOTEL WAS ARBITRARY, CRUEL AND UNJUSTIFIED, AND APPEARS TO HAVE BEEN MADE FOR THE PURPOSE OF PREJUDICING HER CASE BEFORE THE DEPARTMENT.

The three stock affidavits of Miss Donaldina Cameron, Carrie G. Davis, and Daniel O'Brien, of November 20th, 1913, that they believe that Peking Hotel is a house of prostitution which are offered in justification of this second arrest first made their appearance in an effort to deport, or arrest Louis Quong, who has been recognized by the Department as an American citizen, because it was alleged that he harbored prostitutes there. The learned law clerk who passed upon the sufficiency of these affi-

davits in Louis Quong's case and now prepares the memorandum in the instant case, reported:

"These affidavits are somewhat of a disappointment, as they contain nothing more than reputation or hearsay evidence, and according to what the Department now requires are of little or no value."

These affidavits were next introduced in the cases of Wong Ung Que, Chan Yuk, and Wong Ah Bow, who were never in the Peking Hotel, to prove that they were prostitutes. Now they stalk forth, like Banquo's ghost, against Ho Shee.

But these three affidavits are completely refuted, answered and demolished by the evidence of the detained, which is to the effect that Louis Quong has nothing to do with the hotel, who is managed by a respectable Chinese of the name of Mar Hing Yee, who is the lessee, having been the highest bidder when the Chinese Six Companies advertised to rent it for hotel purposes, and who has stipulated in his lease that the hotel shall not be used for any immoral purposes. Mar Hing Yee is corroborated by the testimony of Gee Sing Sam, secretary of the Six Companies, owners of the property. And Mar Hing Yee further testified as to the good conduct and reputation of Ho Shee, who with her husband Low Kwai are [109] the tenants of Room 16, and as to the circumstances of the unjustifiable raid upon Room 16 by the immigration and police officers on November 6th, when Ho Shee was arrested for the second time. The Peking and Oriental hotels are advertised in the Chinese Republic Journal as high class, respectable Chinese hotels, and they are so consid-

ered by everybody with the exception of Miss Cameron, Miss Davis and Daniel O'Brien who perhaps wisely, have refrained from giving, or attempting to give, any definite facts which they might be called upon to prove.

The credulity of this department seems to have been sadly imposed upon when a warrant of arrest for Ho Shee was issued upon an application which stated that upon information "FROM AN ANONYMOUS SOURCE" Ho Shee "IS NOW" (April 2nd after she had been in Yreka, 360 miles away for weeks) practicing prostitution at the Oriental or Republic hotel, and her "HUSBAND DESERTED HER" (although he was with her in Yreka) is still near her and never has deserted her.

If such drastic proceedings as this one, looking to the deportation of Ho Shee, whereby a citizen of the United States may be deprived of the right of coverture, the right to enjoy a home and wife who shall administer to his motherless babe; whereby even a hated alien may be deprived of her freedom and of her rights of property, is justifiable under the laws of the United States and the regulations of an executive department, when such proceeding is admittedly initiated upon an "anonymous" communication, "Democracy" is but a hollow mockery. It may be but a short wait for Lettres-de-Cachet and the Empire.

We respectfully submit that on the record which has been offered for our inspection there is nothing worthy of the name of evidence to sustain the charge of prostitution against Ho Shee and that the war-

rant of arrest should be canceled.

Respectfully, [110]

STADDEN & STEWART,

Counsel for Ho Shee.

Washington, D. C., January 15, 1914.

[Endorsed]: Filed Feb. 2, 1914. W. B. Maling,
Clerk. By Lyle S. Morris, Deputy Clerk. [111]

*In the District Court of the United States, in and
for the Northern District of California, Division
No. 1.*

In the Matter of the Application of LOW KWAI,
upon Behalf of MRS. LOW KWAI, Some-
times Known as Ho Shee, or HO (HAW)
SHEE, On Habeas Corpus.

Order to Show Cause.

Good cause appearing therefor and upon reading the verified petition on file herein, it is hereby ordered that Samuel W. Backus, Commissioner of Immigration for the Port and District of San Francisco, appear before this Court on the 7 day of February, 1914, at the hour of 10 o'clock A. M. of said day, to show cause, if any he has, why a writ of habeas corpus should not be issued herein as prayed for; and that a copy of this order be served upon the said Commissioner, and a copy of said petition upon the United States Attorney.

AND IT IS FURTHER ORDERED that the said Samuel W. Backus, Commissioner of Immigration as aforesaid, or whoever, acting under the orders of said Commissioner, shall have the custody of the said

Mrs. Low Kwai, sometimes known as Ho Shee or Ho (Haw) Shee, are hereby ordered and directed to retain the said Mrs. Low Kwai, sometimes known as Ho Shee or Ho (Haw) Shee, within the custody of the said Commissioner of Immigration and within the jurisdiction of this Court until its further order herein.

Dated, San Francisco, California, February 2, A. D. 1914.

M. T. DOOLING,
United States District Judge.

[Endorsed]: Filed Feb. 2, 1914. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk. [112]

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

No. 15,591.

In the Matter of MRS. LOW KWAI, Sometimes
Known as HO SHEE or HO (HAW) SHEE,
on Habeas Corpus.

Demurrer to Petition for Writ of Habeas Corpus.

Now comes the respondent, Samuel W. Backus, Commissioner of Immigration at the port of San Francisco, and demurs to the petition on file herein on the following grounds:

I.

That said petition does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus or any relief thereon.

II.

That said petition is insufficient in that the statements in the petition relative to the record of the testimony taken on the hearing for the order of deportation of the applicant, are statements of conclusions of law.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

JOHN W. PRESTON,

United States Attorney,

WALTER E. HETTMAN,

Assistant U. S. Attorney,

Attorneys for Respondent. [113]

Service of the within demurrer to Petition for Writ by copy admitted this 6th day of Feby., 1914.

GEO. A. McGOWAN,

Attorney for Petitioner.

[Endorsed]: Filed Feb. 6, 1914. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [114]

At a stated term of the District Court of the United States of America, for the Northern District of California, held at the Courtroom thereof, in the City and County of San Francisco, State of California, on Wednesday, the 25th day of February, in the year of our Lord one thousand nine hundred and fourteen. Present: The Hon. F. S. DIETRICH, Judge.

#15,591.

In re HO SHEE, on H. C.

(Order Overruling Demurrer.)

This matter this day came on for hearing on the

demurrer to the petition herein, and after hearing respectively counsel, by the Court ordered that said demurrer be, and the same is hereby overruled.
[115]

*In the District Court of the United States, in and for
the Northern District of California, First Di-
vision.*

No. 15,591.

In the Matter of the Application of LOW KWAI,
on Behalf of MRS. LOW KWAI, Sometimes
Known as HO SHEE, or HO (HAW) SHEE,
on Habeas Corpus.

Return.

Now comes Samuel W. Backus, Commissioner of Immigration at the port of San Francisco, by Charles D. Mayer, Immigrant Inspector, and in return to the Order to Show Cause issued by said Court on the petition of Low Kwai, for a writ of habeas corpus, respectfully shows that your respondent holds the alien above named, to wit, HO SHEE or HAW SHEE, under and by virtue of a warrant of deportation dated January 27th, 1914.

I.

Respondent admits the allegations in lines 15 to 32 inclusive of page 1 of said petition, but denies that said imprisonment, detention, confinement and restraint are illegal.

II.

Respondent admits the allegations in lines 1 to 32 inclusive of page 2 of said petition. [116]

III.

Respondent denies the allegations in lines 8 to 25 inclusive of page 3 of said petition, and alleges that the warrant of arrest and all proceedings had thereon, are not illegal, null and void because the husband of the said Ho Shee is a citizen of the United States, and that said proceedings are not in violation of any of the acts of Congress or any violation of any constitutional rights of the said petitioner.

IV.

Respondent denies the allegations in lines 26 to 33 inclusive, page 3 of said petition, and alleges that said immigration proceedings are not in violation of the guarantees to said petitioner as a citizen of the United States contained in section 2, Article III, of the Constitution of the United States.

V.

Respondent denies the allegations in lines 2 to 11, inclusive, page 4 of said petition.

VI.

Respondent denies the allegations in lines 12 to 16, inclusive, page 4 of said petition.

VII.

Respondent denies the allegations in lines 23 to 30, inclusive, page 4 of said petition, and alleges that the said alien was not denied a fair opportunity to present her defense to the charges brought against her, and denies that there were any proceedings in said warrant of deportation which were unfair in any of the following particulars:

FIRST: Respondent denies the allegations in lines 31 to 32 inclusive, page 4, and lines 1 to 12,

[117] inclusive, page 5 of said petition, and alleges that certain testimony was taken before said immigration officials and that subsequently upon the arraignment of said Ho Shee, she was acquainted with the charges against her and given every opportunity to rebut said testimony, and that all of said proceedings were fully in accord with rule 22, 4B Immigration Laws.

SECOND.—Respondent admits the allegations in lines 13 to 24 inclusive, page 5 of said petition, to the effect that the alien was retained in custody for some time before the formal arraignment under the warrant of arrest, but that at the stage of the proceedings deemed proper by the immigration officials, and in compliance with rule 22, 4B Immigration laws, the alien was duly arraigned and acquainted with her rights in the matter and given an opportunity to rebut any testimony presented by the immigration officials.

THIRD. Respondent admits the allegations in lines 25 to 32, inclusive, page 5 of said petition, that the alien was taken into custody on the 6th day of November, 1913, and retained in custody until November 11, 1913, by the Immigration officials, but that she was subsequently released. Respondent denies that said detention injured or deprived said Ho Shee of any of the rights and privileges granted her under the immigration rules and regulations.

Respondent denies the allegations in lines 1 to 10, inclusive, page 6 of the said petition, and alleges that no hearing of said witnesses Daniel J. O'Brien, Miss Carrie G. Davis and Miss Donaldina Cameron was

had upon the 9th day of November, 1913, but that upon the 20th day [118] of November, 1913, said parties made individual affidavits as to the character of the house designated as the Peking Hotel.

FOURTH: Respondent denies the allegations in lines 11 to 32, inclusive, page 6 of said petition, and alleges that the evidence given by James Weaver and other witnesses at Sacramento, California, on October 17th, 1913, was in the nature of affidavits.

FIFTH: Respondent admits the allegations in lines 2 to 11, inclusive, page 7 of said petition, but denies that said telegram to the Secretary of Labor prejudiced the rights of the said detained in any way.

SIXTH: Respondent denies the allegations in lines 12 to 32, inclusive, page 7 of said petition and lines 1 to 3, inclusive, page 8 of said petition, and alleges that there was no hearing on the 9th day of November, 1913, but that the affidavits dated November 20th, 1913, sworn to by Daniel J. O'Brien, Miss Carrie G. Davis and Miss Donaldina Cameron, were filed in the record of the said Ho Shee.

SEVENTH: Respondent denies the allegations in lines 4 to 27, inclusive, page 8 of said petition.

EIGHTH: Respondent denies the allegations in lines 1 to 14, inclusive, page 9 of said petition, and alleges that the alien and her attorney were given an opportunity to inspect all of the evidence which was submitted to the Secretary of Labor for his ruling.

TENTH: Respondent admits the allegations in lines 15 to 26, inclusive, page 9 of said petition, and alleges that the letter of transmission which accompanied the record to the Secretary of Labor was in

the nature of [119] a private and secret communication and for that reason no copy was furnished to the said petitioner or to the said attorney representing Ho Shee.

VIII.

Respondent denies the allegations in lines 1 to 10, inclusive, page 10 of said petition.

WHEREFORE, your respondent prays that a writ of Habeas Corpus do not issue herein, that the Order to Show Cause be discharged, and that the Petition be dismissed.

JOHN W. PRESTON,
United States Attorney, Attorney for Respondent.

By WALTER E. HETTMAN,
Assistant United States Attorney. [120]

United States of America,
Northern District of California,
City and County of San Francisco,—ss.

Charles D. Mayer, being first duly sworn, deposes and says: That he is an Immigrant Inspector connected with the Immigration Service for the port of San Francisco, and has been specially directed to appear for, and represent the respondent, Samuel W. Backus, Commissioner of Immigration, in the within entitled matter; that he is familiar with all the facts set forth in the within Return to Order to Show Cause, and knows the contents thereof; that it is impossible for the said Samuel W. Backus to appear in person or to give his attention to said matter; that of affiant's own knowledge, the matters set forth in the Return to Order to Show Cause are true, excepting those matters which are stated on informa-

tion and belief, and that as to those matters, he believes it to be true.

CHARLES D. MAYER.

Subscribed and sworn to before me this 20th day of March, 1914.

[Seal]

FRANCIS KRULL,

Deputy Clerk U. S. District Court, Northern District of California.

[Endorsed]: Filed Mar. 20, 1914. W. B. Maling, Clerk. By Francis Krull, Deputy Clerk. [121]

In the District Court of the United States, in and for the Northern District of California, First Division.

No. 15,591.

In the Matter of LOW KWAI, upon Behalf of Mrs. LOW KWAI, Sometimes Known as HO SHEE, or HO (HAW) SHEE, on Habeas Corpus.

Traverse to Return.

Comes now the petitioner herein, Low Kwai, upon behalf of Mrs. Low Kwai, sometimes known as Ho Shee, or Ho (Haw) Shee, and traversing the Return of Respondent filed herein, does hereby deny, allege and admit as follows, to wit:

I.

Your petitioner reaffirms and realleges each, every, all and singular the averments and allegations contained in the petition for a writ of habeas corpus filed herein, excepting in line 4, page 6, and line 12,

page 7, November 9th should be 20th, and denies each, every, all and singular the allegations contained in the said Return which are in contravention of or at variance with the said petition.

Dated San Francisco, California, March —, 1914.

GEO. A. MCGOWAN,
Attorney for Petitioner.

It is hereby stipulated and agreed by and between the counsel for the respective parties hereto that verification of the foregoing Traverse is hereby waived, as is also exception to the general reaverments and denial contained in said traverse.

GEO. A. MCGOWAN,
Attorney for Petitioner.

WALTER E. HETTMAN,
Attorney for Respondent. [122]

Due service of the within Traverse to Return, by my receipt of a copy thereof, is hereby acknowledged by me this 30th day of March, 1914.

WALTER E. HETTMAN,
Attorney for Respondent.

[Endorsed]: Filed Mar. 30, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [123]

*In the District Court of the United States, in and for
the Northern District of California, First Division.*

No. 15,591.

In the Matter of the Application of LOW KWAI,
upon Behalf of Mrs. LOW KWAI, Sometimes Known as HO SHEE, or HO (HAW) SHEE, on Habeas Corpus.

(Order Discharging Writ of Habeas Corpus, Remanding Ho Shee and Staying Deportation for the Period of 20 Days.)

GEORGE A. MCGOWAN, Attorney for Petitioner.

JOHN W. PRESTON, U. S. Atty., and WALTER E. HETTMAN, Asst. U. S. Atty., Attorneys for Respondent.

The record herein having been carefully considered, I am of the opinion that within the law as laid down in the adjudicated cases, the order of the Secretary of Labor directing the deportation of Ho Shee cannot be disturbed by the Court. By this, however, the Court does not desire to be understood as approving the issuance of a warrant of arrest upon "anonymous information." If we were dealing here only with the warrant of arrest I would have no hesitancy in ordering the woman's discharge. But the case has progressed far beyond the original warrant of arrest, and in the subsequent proceedings the officers seem to have kept within the somewhat elastic bounds, by which their actions are, under the law and the adju-

dications, [124] freed from strict control.

It is, therefore, ordered that the writ of habeas corpus be discharged, and Ho Shee remanded.

It is further ordered that she be not deported for twenty days, within which time she may, if she so desires, appeal from this order, upon which appeal, if taken, her deportation will be stayed until such appeal be determined.

April 16th, 1914.

M. T. DOOLING,
Judge.

[Endorsed]: Filed Apr. 16, 1914. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk. [125]

*In the District Court of the United States, in and for
the Northern District of California, Division
No. 1.*

No. 15,591.

In the Matter of the Application of LOW KWAI,
upon Behalf of Mrs. LOW KWAI, Some-
times Known as HO SHEE, or HO (HAW)
SHEE, on Habeas Corpus.

Petition for Appeal.

Now come Low Kwai and Mrs. Low Kwai, some-
times known as Ho Shee, or Ho (Haw) Shee, re-
spectively the petitioner and the detained, and the
appellants herein, and say:

That, on the 16th day of April, 1914, the above-
entitled Court made and entered its order denying
the petition for a writ of habeas, as prayed for, on
file herein, in which said order in the above-entitled

cause certain errors were made to the prejudice of the appellants herein, all of which will more fully appear from the assignment of errors filed herewith.

WHEREFORE, those appellants pray that an appeal may be granted in their behalf to the Circuit Court of Appeals of the United States, for the Ninth Circuit thereof, for the correction of the errors so complained of, and further, that a transcript of the record, proceedings and papers in the above-entitled cause, as shown by the praecipe, duly authenticated, may be sent and transmitted to the said United States Circuit Court of Appeals, for the Ninth Circuit thereof.

Dated at San Francisco, California, May 19th, A. D. 1914.

GEO. A. McGOWAN,

Attorney for Petitioner and Detained, and Appellants Herein. [126]

Due service of the within Petition for and Order Allowing Appeal and receipt of a copy thereof is hereby admitted this 19th day of May, A. D. 1914.

JOHN W. PRESTON,

U. S. Atty.

[Endorsed]: May 20, 1914. W. B. Maling, Clerk.
By C. W. Calbreath, Deputy Clerk. [127]

*In the District Court of the United States, in and for
the Northern District of California, Division
No. 1.*

No. 15,591.

In the Matter of the Application of LOW KWAI,
upon Behalf of Mrs. LOW KWAI, Some-
times Known as HO SHEE, or HO (HAW)
SHEE, on Habeas Corpus.

Assignment of Errors.

(On Appeal from District Court.)

Comes now, Low Kwai, and Mrs. Low Kwai, some-
times known as Ho Shee, or Ho (Haw) Shee, the
appellants herein, by their attorney, George A. Mc-
Gowan, Esquire, in connection with their petition,
for an appeal herein, assign the following errors,
which they aver occurred upon the trial or hearing
of the above-entitled cause, and upon which they will
rely, upon appeal to the Circuit Court of Appeals,
for the Ninth Circuit, to wit:

FIRST: That the Court erred in denying the peti-
tion for a writ of habeas corpus herein.

SECOND: The Court erred, in holding that it had
no jurisdiction to issue a writ of habeas corpus, as
prayed for in the petition herein.

THIRD: That the Court erred, in not holding that
the allegation contained in the petition herein, for
a writ of habeas corpus, were sufficient in law, to
justify the granting and issuing of a writ of habeas
corpus, as prayed for, in said petition.

FOURTH: That the Court erred in not holding that the Secretary of Commerce and Labor or the Secretary of Labor, could not issue a warrant of arrest without reasonable cause and not supported by oath of affirmation. [128]

FIFTH: That the Court erred, in not holding that a native born citizen of the United States is entitled of right to a hearing before the judicial branch of the Government before his wife may be deported out of the United States, and he thus deprived of her society, protection, care and comfort.

SIXTH: That the Court erred, in holding that it was not an abuse of discretion by the immigration authorities, and did not deprive the alien of a fair hearing to examine James Weaver on the 17th day of October, 1913, and Tien Fuh Su, and Donaldina Cameron, upon the 20th day of October, 1913, and refuse the alien the right to be present with her attorney at said examination. The warrant of arrest having been issued on the 11th day of April, 1913, and the alien was arrested on October 17th, 1913, and thereafter refuse to set a time and place at which the said three witnesses might be present and examined, in the presence of the alien, by her counsel and upon behalf of the alien and her citizen husband.

SEVENTH: The Court erred in not holding that it was an abuse of discretion for the immigration officials to take the alien into custody on the sixth (6th) day of November, 1913, and retain her in their custody until the 11th day of November, 1913, she having previously been at large on a satisfactory bond for her future appearance and being thereafter re-

leased upon the same bond, and depriving and preventing her from the right of counsel during said time; and in telegraphing to the Secretary of Labor, on November 7th, 1913, the information that the detained and violated the immigration law, pending the adjudication of her case, and refusing to place any evidence, as a basis therefor, in the record which the alien or her citizen husband might answer. [129]

EIGHTH: That the Court erred, in not holding that it was an abuse of discretion, and did not deprive the alien of a fair hearing, for the immigration authorities to refuse to set a time and place for a second hearing in Sacramento, where the alien was arrested, and where a hearing was held, at which detrimental testimony was taken, prior to according her the right of counsel, and thus arbitrarily preventing her from having the witness, James Weaver, a resident of Sacramento, present, so that he might be cross-examined or examined upon her behalf, and in denying the alien any opportunity at all to submit evidence upon her behalf, from the said witness, at a hearing in the city of his residence and where the alien was arrested.

NINTH: The Court erred, in holding that it was not an abuse of discretion and did not deprive the alien of a fair hearing for the Government to take the testimony of Daniel J. O'Brien, Miss Cary G. Davis, and Miss Donaldina Cameron, on the 20th day of November, 1913, in the form of *ex parte* affidavits after the right of counsel had been allowed the said alien, thus preventing her from an opportunity to examine said witnesses upon her own behalf and thus submit their testimony, and in refusing to thereafter

set a time and place at which said witnesses might be called and cross-examined upon behalf of said alien, or for examination upon her behalf if cross-examination should not be allowed.

TENTH: The Court erred, in holding that it was not an abuse of discretion, and did not deprive the alien of a fair hearing for the immigration officials to compel the alien to submit her defense in the form of *ex parte* affidavits, and thereafter refuse to examine and take the testimony of the witnesses offered upon behalf of the alien and her citizen husband, and then arbitrarily disregard the contents of the affidavits presented from said witnesses as the basis for their future examination. [130]

ELEVENTH: The Court erred, in holding that it was not an abuse of discretion, and did not deprive the alien of a fair hearing for the immigration authorities to submit their evidence against the alien, in the form of oral examinations from the witnesses prior to according the alien the right of an attorney and to thereafter present the evidence from the Government witnesses in the form of *ex parte* affidavits, thus preventing and depriving the alien of any opportunity of being confronted with any witnesses being presented against her and depriving her of any and all opportunity to submit evidence of said government witnesses upon her own behalf.

TWELFTH: The Court erred, in holding that it was not an abuse of discretion, and did not deprive the alien of a fair hearing, for the Commissioner of Immigration, after the close of the Government case against the said alien, to submit evidence to the de-

partment detrimental to the said alien, which said detrimental evidence had been previously withheld from the said alien, and no opportunity at all afforded her at any time of meeting or answering said evidence which was clandestinely forwarded to the Secretary of Labor, and in so abridging and limiting the right of the counsel of the alien as to prevent counsel from ascertaining all the evidence submitted against the said alien.

WHEREFORE, the appellants pray that the judgment and order of the United States District Court, in and for the Northern District of the State of California, made and entered herein in the office of the Clerk of the said Court on the 16th day of April, A. D. 1914, discharging the order to show cause and dismissing the petition for a writ of habeas corpus be reversed and that this cause be remitted to the said lower court with instructions to discharge the said Mrs. Low Kwai, sometimes known as Ho Shee or Ho (Haw) Shee, from [131] custody, or grant her a new trial before the lower court, by directing the issuance of writ of habeas corpus, as prayed for in said petition.

Dated San Francisco, California, May 20th, 1914.

GEO. A. MCGOWAN,

Attorney for Appellants.

Due service of the within Assignment of Errors and receipt of a copy thereof is hereby admitted, at San Francisco, California, this 20th day of May, A. D. 1914.

JOHN W. PRESTON,

United States Attorney.

[Endorsed]: Filed May 20, 1914. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [132]

*In the District Court of the United States in and for
the Northern District of California, Division
No. 1.*

No. 15,591.

In the Matter of the Application of LOW KWAI
upon Behalf of Mrs. LOW KWAI, Some-
times Known as HO SHEE, or HO (HAW)
SHEE, on Habeas Corpus.

Order Allowing Petition for Appeal.

On this 3d day of August, A. D. 1914, came Low Kwai, and Mrs. Low Kwai, sometimes known as Ho Shee, or Ho (Haw) Shee, respectively, the petitioner and the detained, herein, by their attorney, George A. McGowan, Esq., and having previously filed herein, did present to this Court, their petition praying for the allowance of an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, intended to be urged and prosecuted by them, and praying also that a transcript of the record and proceedings and papers upon which the judgment herein, was rendered, duly authenticated, may be sent and transmitted to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had in the premises as may seem proper.

ON CONSIDERATION WHEREOF, the Court hereby allows the appeal hereby prayed for, and orders execution and remand stayed pending the

hearing of the said case in the said United States Circuit Court of Appeals for the Ninth Circuit; and it is further ordered, after hearing counsel for the petitioner and for the Government, that the said detained may remain at large upon the bond previously given before this court, in this matter, during the pendency of the appeal taken herein from said judgment, provided said appeal be docketed in the Circuit Court of Appeals in the October Term, and that she do not depart from the jurisdiction of this Court, but remain and abide by whatever judgment shall finally be entered herein.

Dated at San Francisco, California, this 3d day of August, 1914.

M. T. DOOLING,
United States District Judge. [133]

Service of the within Order Allowing Appeal, and receipt of a copy thereof, is hereby admitted this 4th day of August, A. D. 1914.

WALTER E. HETTMAN,
Asst. United States District Attorney.

[Endorsed]: Filed Aug. 4, 1914. W. B. Maling,
Clerk. By Lyle S. Morris, Deputy Clerk. [134]

*In the District Court of the United States, in and
for the Northern District of California, Division
No. 1.*

No. 15,591.

In the Matter of the Application of LOW KWAI
upon Behalf of Mrs. LOW KWAI, Sometimes
Known as HO SHEE, or HO (HAW) SHEE,
on Habeas Corpus.

Notice of Appeal.

To the Clerk of Above-entitled Court and to the
Hon. JOHN W. PRESTON, United States At-
torney for the Northern District of California:

You and each of you will please take notice that
Low Kwai and Mrs. Low Kwai, sometimes known
as Ho Shee, or Ho (Haw) Shee, respectively, the
petitioner and the detained, above named, do hereby
appeal to the Circuit Court of Appeals of the United
States, for the Ninth Circuit thereof, from the order
made and entered herein on the 16th day of April,
1914, denying the petition for a writ of habeas cor-
pus filed herein.

Dated at San Francisco, California, May 19th,
1914.

GEO. A. McGOWAN,
Attorney for Petitioner and Detained, and Appel-
lants.

Due service of the within Notice of Appeal and
receipt of a copy thereof is hereby admitted this
19th day of May, A. D. 1914.

JOHN W. PRESTON,
U. S. Attorney.

[Endorsed]: Filed May 20, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [135]

(Citation on Appeal—Copy.)

UNITED STATES OF AMERICA,—ss.

The President of the United States, to Hon. SAMUEL W. BACKUS, Commissioner of Immigration, Port of San Francisco, and to his Attorney, JOHN H. PRESTON, United States Attorney in and for the Northern District of California, Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the Clerk's Office of the United States District Court for the Northern District of California Division No. 1, thereof wherein Low Kwai and Mrs. Low Kwai, sometimes known as Ho Shee or Ho (Haw) Shee are appellants, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable MAURICE T. DOOLING, United States District Judge for the Northern Dist. of California this 10 day of August, A. D. 1914.

M. T. DOOLING,
United States District Judge. [136]

Service of the within Citation on Appeal and receipt of a copy thereof is hereby admitted this 10th day of Aug., 1914.

WALTER E. HETTMAN,
Asst. U. S. Atty.

[Endorsed]: Filed Aug. 10, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [137]

(Notation on Margin of "Warrant—Arrest of
Alien.")

Executed at Sacramento, Calif. Oct. 17, 1913.

JOHN A. ROBINSON,
Inspector. [138]

Request for Verification of Landing.

DEPARTMENT OF COMMERCE AND LABOR.
IMMIGRATION SERVICE.

No. 12020/190.

Office of Commissioner of Immigration.

Port of San Francisco, Cal.,

April 2, 1913, 191.

Commissioner of Immigration,

San Francisco, Cal.

Sir:

You are requested to verify the landing of the
alien

*Name (*as given on landing*) Ho Shee or Haw Shee
(Ho Shi)

Arrived per S. S. Siberia; P. M. Line;

Age, 22; Sex, Female; Married, Yes.

Citizen of China; Race, Chinese; Occupation, Housewife.

Port of embarkation: ———

Port of landing in U. S.: San Francisco.

Date of arrival, October 14, 1912. (Time Stamp)

Final destination: San Francisco.

To whom going: ———

Purpose for which verification is desired: Deportation proceedings contemplated.

Remarks:

Respectfully,

(Name) H. EDSELL,

(Title) Act'g Commissioner.

Fha/Mah.

*Alien's signature, where practicable, to be written in native language and attached. [139]

Certificate of Admission of Alien.

**DEPARTMENT OF COMMERCE AND LABOR.
IMMIGRATION SERVICE.**

12020-190. Angel Island, Cal., April 3, 1913.

I Hereby Certify that the following is a correct record and statement of facts relative to the admission to the United States of the alien named below:

- (1) S. S. Siberia; Line, Pacific Mail.
- (2) Date arrival, October 14, 1912; Manifest No. 14589. Class.
- (3) Port at which admitted, San Francisco.
- (4) Name, Ho Shee; age, 22; sex, female.
- (5) Married, yes; occupation, housewife; able to read and write.

- (6) Native of China; race, Mongolian.
- (7) Last permanent residence, China.
- (8) Destination, San Francisco.
- (9) By whom passage paid, ———; money brought, \$——.
- (10) Whether in U. S. before, ———; when, ———; where, ———.
- (11) To whom going, ———; condition of health, ———.
- (12) Height, ———; complexion, ———; color of hair, ———.
- (13) Color of eyes, ———; identification marks, ———.
- (14) Place of birth, ———; examined by Inspector, ———.
- (15) How admitted, ———; accompanied by ———.
- (16) Remarks: ———.

Exact copy as signed by Samuel W. Backus.

(Signature) Apr. 3, 1913, by L. E. D.,

(Official title) Commissioner.

ESK.

LOR.

LED. [140]

**(Statements of Witnesses Taken at Police Station,
Sacramento.)**

Sacramento, California, Friday, October 17, 1913.

In re Department Warrant 53423, Slant 225, in Case
of YEE MO.

STATEMENTS OF WITNESSES TAKEN AT
POLICE STATION, SACRAMENTO, CALI-
FORNIA, BY JOHN A. ROBINSON, IN-
SPECTOR U. S. IMMIGRATION DEPART-
MENT, THERE BEING ALSO PRESENT
MR. J. H. McCLYMONT, CHINESE INTER-
PRETER.

STATEMENT OF WITNESSES:

James Weaver,	2
E. R. Malone,	5
Anna Phelps,	6
Rose Ying,	9

JOSEPH E. PIPHER,
Courthouse, Sacramento, California,
Official Shorthand Reporter. [141]

**[Statement of James Weaver, Taken at Police
Station, Sacramento, Cal., October 17, 1913.]**

Police Station, City of Sacramento,
Sacramento, California, Friday, October 17, 1913.

STATEMENT OF

JAMES WEAVER, Police Officer of the City of
Sacramento, who, after being first duly sworn by
John A. Robinson, Inspector, testifies as follows, to
wit:

Mr. ROBINSON.—Q. What is your name?

A. James Weaver.

Q. And how old are you, Mr. Weaver?

A. Twenty-three.

Q. What is your occupation?

A. Occupation, police officer.

Q. Of Sacramento? A. Of Sacramento.

Q. Now, how long have you held such position; how long have you been a police officer here?

A. I have been a police officer over seven months.

Q. Is your beat in what is commonly known as the tenderloin district? A. Yes, sir.

Q. Chinese tenderloin district.

A. It is; it comprises all of Chinatown.

Q. Are you familiar with the Chinese houses of prostitution in Chinatown, Sacramento? A. I am.

Q. Do you recognize this woman here (referring to one Ho Shee)?

A. I positively identify her as being one of the inmates of a Chinese house of prostitution at 410½ in the alley.

Q. 410½ China alley?

A. No; 410½ alley I and J, Fourth and Fifth, Sacramento.

Q. Now, you do not know what her name is?

A. I don't know what her name is; I have not heard it. [142]

Mr. ROBINSON.—Referring to a Chinese woman Ho Shee, for whom Department warrant 53575, Slant 255 was issued the eleventh day of April, 1913.

Q. How long have you known this woman,—referring to Ho Shee,—to be a prostitute in Chinatown, Sacramento? How long have you seen her there.

A. Just a moment, now, until I get it exactly.

Q. Approximately, is all. A. Approximately.

Q. Yes.

A. Approximately, over three months, all of which time she has been a continual inmate of a house of prostitution.

Q. And then you say you saw her in bed with Chinamen?

A. I have seen her partly disrobed with Chinamen; I have seen her in bed with Chinamen at one time,—different Chinamen each time.

Q. And you positively know that the place that you saw this woman, referring to Ho Shee, was a Chinese house of prostitution?

A. I do, for the man that ran it said it was a house of prostitution, and described her to me as being one of the girls that were prostitutes, at the same time saying that one of them was not a prostitute, but was sick.

Q. What is the name of the man whom you knew to be the keeper of this house of prostitution 410½?

A. The man's name was Louie Ding.

Q. Do you know the other Chinese woman, too,—that old fat one? A. I do.

Q. She is the keeper there?

A. I do not know whether or not she is the keeper but she is an inmate of that place.

Q. Do you recognize the stout, fat woman who was arrested this morning, as an inmate of the same house that this woman, referring to Ho Shee, who was arrested, was?

A. I arrested Ho Shee, and recognize her as being

in the same house. [143]

Q. No; that is the old woman.

A. The old woman.

Q. Yee Moo.

A. Yee Moo,—I recognize her as being an inmate of the same house; I placed her in custody this morning.

Q. Do you know how long she has been an inmate of that house?

A. Ever since I have been in that district.

Q. For the past seven months?

A. No; I have only been down there about three months.

Q. Three months?

A. Down there. Yee Moo has been a constant inmate of that house.

Q. Is it downstairs or upstairs at 410½?

A. These women are upstairs; 410½ alley I and J, Fourth and Fifth.

Mr. ROBINSON.—I will now have the officers bring Yee Moo in and have you identify her, so there will be no misunderstanding as to her identity. This Chinese woman is a woman we know as Yee Moo. (Yee Moo brought into the room.)

(The Interpreter, Mr. McClymont, at this point translated what was going on to the detainant Ho Shee.)

Mr. ROBINSON.—Mr. Weaver, I ask you now to look at this woman who is known to us as Yee Moo. Do you know what this woman's name is?

A. I do not.

Q. Have you seen her anywhere? A. I have.

Q. Where have you seen her?

A. In a house of prostitution.

Q. At what address?

A. At 410½ Alley, I and J, Fourth and Fifth.

Q. At the same place as this woman Ho Shee was located? A. In the same house as Ho Shee.

Q. There is no doubt in your mind as to her identity? A. No, sir.

Q. You do not know her by the name of Yee Moo?

A. I don't know either of their names. [144]

Q. How long have you known her in that place,—this woman referring to the woman Yee Moo.

A. The woman Yee Moo, I have known her,—that short, fat woman, I have known her for the period of three months.

Q. Ever since you have been located on that beat?

A. Ever since the first day I was upon the beat, I saw them down there.

Q. And there is no mistake as to your identification of either the woman Yee Moo or Ho Shee?

A. No mistake as to their occupation, no.

JAMES WEAVER,

Address: Police Department, Sacramento, California.

[Statement of E. R. Malone, Taken at Police Station, Sacramento, Cal., October 17, 1913.]

STATEMENT OF

E. R. MALONE, Police Officer of the City of Sacramento, who, after being duly sworn by J. A. Robinson, Inspector, testifies as follows:

Mr. ROBINSON.—Q. Your name is E. R. Ma-

lone? A. Yes, sir.

Q. How old are you, Mr. Malone?

A. Fifty years of age.

Q. What is your occupation? A. Police officer.

Q. Of Sacramento? A. Of Sacramento, yes, sir.

Q. How long have you been a police officer of Sacramento? A. Eleven years.

Q. During the time you have been a police officer, have you ever been detailed in the Chinese District, Sacramento? A. Yes, sir.

Q. Are you familiar with the Chinese houses of prostitution?

A. Yes, sir; up until the first of last April, I was.

Q. Have you ever seen this woman here, pointing to the woman that we know as Yee Moo?

A. Yes, sir.

Q. Where?

A. Well, I saw her in the alley Third and Fourth, I and J, on the north side of the alley, in a house there known as a house of prostitution. [145]

Q. Do you know the number of it?

A. I don't know the number of that house.

Q. How long ago?

A. Oh, I have seen her there two or three times during this last three or four years. I was with the Government man on one occasion, and she was in there. I was in there myself a couple of times, and saw her there.

Q. Is that the house,—the second house on the right hand side of the China Alley going from Fourth Street? A. Going west, yes, sir.

Q. Upstairs? A. Yes, sir.

Q. Were you present about a year ago, when a Chinese girl was arrested by Inspector Swazy and myself at this house that you have mentioned?

A. Yes, sir; I believe you arrested two of them, didn't you?

Q. Got two girls? A. Yes, sir.

Q. Do you remember this woman known as Yee Moo being present? A. Yes, sir; she was there.

Q. How long had you known her to be an inmate of that house at that time?

A. Well, I used to visit the house once in a while; I never was called there, but just sometimes I would take a notion to go in and see who was there, and I would see her there once in a while, you know, at that house. She claimed to be working there, you know, but she was always there.

Q. You knew that to be a Chinese house of prostitution? A. Yes, sir.

Q. Now, have you ever seen her in a house in Chinatown since that time?

A. Oh, I have seen her in stores, going in and buying stuff, or something like that, but never saw her living any place else,—not to my recollection.

E. R. MALONE,

Address: Police Department, Sacramento, California. [146]

**[Statement of Anna Phelps, Taken at Police Station
Sacramento, Cal., October 17, 1913.]**

STATEMENT OF

ANNA PHELPS, Matron Police Station, who, after being first duly sworn by the Inspector, testifies as follows, to wit:

Mr. ROBINSON.—Q. What is your nome?

A. Phelps. Anna Phelps.

Q. What is your occupation?

A. I am matron at the Receiving Hospital and the City Jail.

Q. At Sacramento, California? A. Yes, sir.

Q. How long have you held such position?

A. I guess about nine years.

Q. Do you recognize this Chinese woman, referring to the woman Yee Moo,—do you recognize this woman here, Yee Moo?

A. Yes, sir,—well, I don't know her name, you know; I had no occasion to find out. I know her, but I don't know her name.

Q. Can you state the circumstances under which you first met her?

A. Why, we had an occasion to go there to get a girl, a Chinese girl that she had in her house, and she did not want to let us in; in fact, she did not let us in; we just had to shove our way in there, and we found this girl in a room away back, and she had her locked in. We made her open the door, and the girl said,—the girl was scared to death; she did not want to talk at all. She was an awful pretty girl, and she told me that this woman kept her in this room and kept her locked up, and took all her money,—and a Chinaman, some man,— and it was this Louie Ding, or some such a name. I know him when I see him.

Q. This house you speak of,—

A. (Interrupting.) Was on the corner of the alley I and J, on Fourth Street. ;

Q. On the right or left hand side?

A. Let me see; It was on the right-hand side, going towards K. [147]

Q. The first house, was it?

A. Well, in the alley,—when you went in the alley.

Q. The first doorway or second doorway?

A. First doorway.

Q. Is that a known house of prostitution, do you know?

A. Well, they say it is,—I guess it is.

Q. That is the general repute?

A. Yes, sir; that is the general repute, yes, sir, it is.

Q. Now, do you remember what the name of that girl was that you took out at that time?

A. No, I do not.

Q. What was done with her?

A. Why, I think Miss Cameron took her.

Q. Of the Presbyterian Mission in San Francisco?

A. Yes, sir.

Q. Who was with you at that time?

A. Well, there was Officer Biggs,—he is not on the force now,—and I am pretty sure it was Mr. Kramer. I know Biggs was one of them; I am very sure it was Kramer.

Q. Now, let's see: You said about a year ago, didn't you say? About how long ago was this?

A. Oh, I guess,—we have taken three girls out of this,—two girls out of this house for Miss Cameron.

Q. That same house? A. That same house.

Q. During what period?

A. Well, it is in the last two years.

Q. How long ago was the first one that you speak of, where she held the girl?

A. Well, now I just couldn't tell you, but it is two years and over.

Q. Where she held the girl and took her money?

A. Yes, sir; it is two years and over.

Q. Now, you know her to be the keeper of a Chinese house of prostitution?

A. I know that she was in that house; I saw her [148] keeping that house when I went there after that girl. Now, whether she owned the house or not, I don't know, but I know she was there, and did not want us to go through the house.

Q. And about what length of time have you known her to follow that occupation?

A. Well, that is the first time I ever saw her.

Q. That is two years ago? A. Yes, sir.

Q. And since then, you state that you have rescued three girls with Miss Cameron from this woman's house?

A. Yes, sir, two I think we got the other one from another place.

ANNA PHELPS,

Address: Police Department, Sacramento, California.

(The Interpreter informed Yee Moo of the testimony given by the witness. This detainant admitted that her name is Yee Moo. She claims that she is not the proprietor up there, but she was working for a living. She says it is not exactly a house of prostitution, but it is a lodging-house.)

[Statement of Rose Ying, Taken at Police Station,
Sacramento, Cal., October 17, 1913.]

STATEMENT OF

ROSE YING, daughter of Yee Moo, who, after being first duly sworn by the Inspector, testifies as follows, to wit:

Mr. ROBINSON.—Q. How old are you?

A. Fifteen.

Q. You born here in Sacramento?

A. Yes, sir; born in Sacramento.

Q. Is this lady your mother (referring to Yee Moo)? A. Yes, sir; that is my mother.

Q. She is commonly known here as Yee Moo?

A. Yes, sir.

Q. Do you know what your mother does for a living? A. She is only working in the house.

Q. Work there? A. Yes, sir.

Q. For whom?

A. Louie Ding; the house belongs to him.

Q. What is the number of the house?

A. I don't know the number of the house. I have never been there, so I don't know. [149]

Q. You never been there? A. No.

Q. You know the house,—what kind of a house,—what character?

A. No, I don't know the character of that house because I have never been there.

Q. You know how long your mother been working for Louie Ding?

A. I can't tell you exactly; about two or three years.

Q. About two or three years?

A. Yes, sir; something like that.

Q. She is still working for him now, is she?

A. Yes, sir; still working for him.

Q. And you know how much she get a month for working up there?

A. Twenty-five dollars a month.

Q. Twenty-five dollars a month? A. A month.

Q. Does she eat and sleep there?

A. No; she does not sleep; she go back to our house.

Q. But she does eat up there?

A. Yes, sir; she eats up there, but does not sleep there.

Q. Then about what time of the day your mother come home? A. I don't know that.

Q. Well, what time she come back home at night, you know? You folks be asleep,—you don't know?

A. I don't know; she comes home when I am asleep, and I don't know exactly what time.

ROSE YING.

Signature traced by Jos. E. Pipher.

Address:

(This witness speaks English, and the whole examination was taken in English.) [150]

State of California,

County of Sacramento,—ss.

I hereby certify that upon Friday, October 17, 1913, I took in shorthand writing, by direction of John A. Robinson, Inspector, the statements of James Weaver, E. R. Malone, Anna Phelps and Rose Ying in the matter above entitled; that I sub-

sequently personally transcribed my said shorthand notes into longhand typewriting, and the foregoing nine pages, together with this page, constitutes a full, true and correct transcription of my said shorthand writing, and is a full, true, correct, accurate and verbatim statement of testimony given by said named witnesses upon said October 17th, 1913, aforesaid.

Dated, Sacramento, October 21, 1913.

JOS. E. PIPHER,

Official Shorthand Reporter. [151]

[Letter, Dated January 3, 1914, "Commissioner" to
Commissioner-General of Immigration, Recommending That Warrant of Deportation Issue.]

DEPARTMENT OF COMMERCE AND LABOR.
IMMIGRATION SERVICE.

Office of the Commissioner,
Angel Island Station,
via Ferry Postoffice,
San Francisco, Cal.,

12020/190.

January 3, 1914.

Commissioner-General of Immigration,
Washington.

I have the honor to transmit herewith the record in the case of Ho Shee, *alias* Ho Shi, *alias* Haw Shee, who was arrested under authority of Departmental warrant No. 53575/255, dated April 11, 1913, charging her with being in the United States in violation of law.

This case first came to the notice of this office upon information furnished by Miss Donaldina Cameron, to the effect that the alien had been an inmate of her home and had made a statement as to her coming to

the United States and to having been an immoral woman since that time, as she then stated against her will. She subsequently ran away from Miss Cameron's, and her whereabouts were unknown for a long time. An anonymous communication however was received early in the year stating that she was leading an immoral life in the Republic Hotel. The matter was presented and warrant issued under date of April 11, and although reports were received from time to time indicating that she was practicing prostitution at various points in the state she was not located until the information was received which resulted in her being found in Sacramento about October 21, 1913. When this information was received officers were sent there and made the arrest of this woman, and [152] of another woman who 12020/190.

was afterwards released because the evidence was not thought to be strong enough to hold her. The place where she was said to be was raided by the officers, but by the time they got in it was found to be empty, and Ho Shee was arrested in a near-by store, being recognized through a photograph which this office was in possession of at that time, taken from her record when she was landed from the SS. "Siberia" October 14, 1912. At the examination October 21, the woman tells the usual story of her coming here as the wife of a native, and that her husband afterwards left her, and does not know his whereabouts. When questioned about being at the Mission she declined to answer even a simple question, which in my mind shows considerable evasiveness. When asked "Did you go there voluntarily"?

(meaning to Miss Cameron's mission) she answered, "I do not know." It also appears that there was a child in the case, which it was supposed belonged to her, but which she states belonged to her husband's first wife.

There is further introduced a statement of Miss Donaldina Cameron, who testifies that this woman, known under the name of Yut Kwai, stated that she was brought here as the wife of a native, and that she followed an immoral occupation before being admitted to the Home; furthermore, that she left the Home, not by going through the front door, as she stated, but by climbing over the fence at night. Also, Miss Tien Fuh Wu, testifies to the same effect.

After her arrest and while she was released on 12020/190.

bail, [153] information was received by this office that the Peking Hotel, formerly occupied by the Chinese six companies, was being used by Chinese prostitutes, as a house of prostitution, and a raid was conducted on about November 6, in which this woman was found together with a number of other Chinese women, two of whom were well-known Chinese prostitutes, of American birth, and others who were under arrest by this Service and out on bail, charged with being Chinese immoral women. So that her presence in the Peking Hotel is in keeping with the charge against her in other respects, and upon which the application for warrant of arrest was made. There is introduced in this connection copies of affidavits by Miss Donaldina Cameron, Miss Tien Fuh Wu, and Danied J. O'Brien, all testifying as to the

character of the Peking Hotel #770 Commercial Street, and in this connection I may state that the term, "house of prostitution" applied to the Peking Hotel is not intended to cover the hotel building as a structural or architectural unit, but that portion of it on the second and third floors which is run as the Peking Hotel, and which on the night of the arrest was occupied entirely by Chinese prostitutes, with these exceptions: an old man was found in the room of one of them, and two women apparently servants, and the manager, Louis Quong, of whom the Bureau is advised under another file.

In resisting deportation, counsel presents an affidavit of certain Chinese persons, stating that this woman was [154] known to have been a resident of Yreka, and that she came here about March, 1913, and lived for a period of about seven months; her husband, Low Kwai, being employed as a cook. Reference to her testimony, however, shows that she states she has never been in Yreka, that her husband is a merchant, and that she does not know where he is or where he has been, so that on the one hand there is her statement that she has never been to Yreka, although she states she was in another city, the name of which she does not know, with her husband, thus constituting somewhat of a discrepancy between the woman's own statement and the statement of her affidavits.

An affidavit of Ellsworth Tubbs, a resident of Yreka, is introduced, in which he states, "That I knew a woman whom I believe to be the woman whom the accompanying photograph represents," was a

resident of Yreka, and that he saw her during the summer of 1913. Of course this office has no knowledge of the photograph that was presented to him when he made the affidavit; in fact, the photograph on the affidavit which is presented, and the photograph that this office has are not particularly similar in appearance as will be seen through a comparison. There follows an affidavit of Fong Wing, a merchant of Yreka, in which he states that he knows Low Kwai and his wife Ho Shee, but here there is a lack of connection because there is no evidence before this office to show that the woman in custody is the woman Fong Wing is testifying for. Then follow a number of affidavits by Chinese persons unknown to this office, and which are in a usual stereotyped form, giving a good character in which [155] they may 12020/190.

be perfectly sincere as far as their information goes, but none of them offset the fact that the woman was originally rescued from the Oriental Hotel, where she admitted she was practicing prostitution, and that she was afterwards found in Sacramento in a near-by house well known to be that frequented by immoral people, and also that she was found in a hotel in San Francisco, all of the other occupants of which are believed to be prostitutes. There is a statement concerning one James Weaver, presented by the defense, but this office is not inclined to comment much upon that because it is believed that the testimony in the case is sufficient to establish the contention without reference to Weaver's affidavit, although the same accompanied the record, it having been

taken at the time of the Sacramento arrest. Then follows a long affidavit by the alien herself, denying most of the statements by Miss Cameron, and Miss Wu, and of course that is a matter of which the Honorable Secretary must pass upon as to which state the true facts. Two affidavits are produced by Chinese regarding the Peking Hotel, and this office has only to state in this instance as it has in other cases, that the character of the women found in that hotel on the night of the raid can leave no other conclusion possible, than that it is a house occupied by Chinese prostitutes.

After carefully considering the evidence in this case it is my judgment that Ho Shee is an alien here in violation of law, in that she has been leading an 12020/190.

immoral life and [156] has been found as an inmate of a house of prostitution. It is therefore recommended that a warrant of deportation issue.

Commissioner.

FHA/LM.

Inc. No. 12,572. [157]

[Letter, Dated January 7, 1914, Acting Commissioner-General to Commissioner of Immigration.]

(LETTER ACCOMPANYING WARRANT OF DEPORTATION.)

U. S. DEPARTMENT OF LABOR.

BUREAU OF IMMIGRATION.

Washington.

In answering refer to

No. 53575/255

(Time Stamp)

January 27, 1914.

12020

Commissioner of Immigration,

Angel Island Station,

San Francisco, Cal.

190

After a final review of the facts in the case of the Chinese alien Ho Shee, *alias* Haw Shee, *alias* Ho Shi, it is found that this girl is in the United States in violation of law and a warrant directing her deportation is inclosed herewith.

There is also transmitted herewith a copy of a memorandum for the Acting Secretary, indicating the grounds on which the Department reached its conclusions in the case.

F. H. LARNED,

Acting Commissioner-General.

Inclose. W/D No. 5310.

Inclo. No. 5311.

Mc.

J. D. [158]

Warrant—Deportation of Alien.

UNITED STATES OF AMERICA.

U. S. DEPARTMENT OF LABOR.

Washington.

No. 53575/255. (Time Stamp) Inclo. No. 5310.

To SAMUEL W. BACKUS, Commissioner of Immigration, Angel Island Station, San Francisco, California.

Whereas, from proofs submitted to me, after due hearing before Immigrant Inspector W. H. Chadney, held at Angel Island Station, San Francisco, Cal., I have become satisfied that the alien Ho Shee, *alias* Haw Shee, *alias* Ho Shi, who landed at the port of San Francisco, Cal., per SS. "Siberia," on the 14th day of October, 1912, has been found in the United States in violation of the Act of Congress approved February 20, 1907, amended by the Act approved March 26, 1910, to wit: That the said alien is a prostitute and has been found practicing prostitution subsequent to her entry into the United States, and may be deported in accordance therewith:

I, J. B. Densmore, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to ———, the country whence she came, at the expense of the steamship company importing her.

For so doing, this shall be your sufficient warrant,

Witness my hand and seal this 27th day of January, 1914.

[Seal]

J. B. DENSMORE,
Acting Secretary of Labor.

Mc. [159]
53575/255.

Jan. 20, 1914.

MEMORANDUM FOR THE ACTING SECRETARY.

The attached record relates to the case of Ho Shee, *alias* Ho Shi, *alias* Haw Shee, a Chinese woman who is now being detained at Angel Island, San Francisco, under Departmental warrant of arrest as a prostitute, "found practicing prostitution subsequent to her entry into the United States." The record shows that she was admitted at San Francisco as the wife of an alleged citizen, Low Qwai, on October 14th, 1912. She was accompanied from China by Low Kwai and an alleged son, but a year or so old, but the latter proves now not to have been her own son, and she had no knowledge of its whereabouts at the time she testified on warrant proceedings before the immigration officials. The present claim is that the child was Low Kwai's by a former wife, but the record furnishes substantial reason for questioning this assertion and for believing that the child was brought along for the purpose of lending color to the claim that Ho Shee was really the wife of Low Kwai, a scheme which is not infrequently adopted in cases where the importation of a young Chinese woman as a slave girl or prostitute is sought.

Information as to the character of occupation be-

ing followed by Ho Shee was first reported to the San Francisco office by Miss Donaldina Cameron, Superintendent of the Presbyterian Chinese Mission Home. According to Miss Cameron's sworn statement, which statement is corroborated in all of its essential details by that of her assistant, Miss Tien Fuh Wu, Ho Shee was rescued by herself from the Oriental Hotel in San Francisco, on the basis of information furnished to the effect that she and another Chinese girl were being held in said hotel as slave girls and desired to be [160] rescued. She states in her testimony that Ho Shee remained in the Home for a short period (Tien Fuh Wu states for a couple of months) and then ran away; that during her stay in the Mission Home she "discussed freely her life in Chinatown as a slave girl and the hardships of that life, and told us who her owner was and also told us that the little child she brought over with her from China and landed as her son had been sold to a Chinese person"; that "from the girl's own admissions and the conditions under which we found her at the time we rescued her" she is convinced that Ho Shee is, in fact, a prostitute; and that the Oriental Hotel is known to her to be "a place where Chinese slave owners take them at night to practice their business." The sworn statement of Tien Fuh Wu adds that Ho Shee admitted that she had been practicing prostitution for more than a month in the Oriental Hotel, from which she was rescued, and that "ever since she left the Home we heard from various people that she was leading an immoral life."

The absolute integrity of Miss Cameron and the good work she is doing in the way of rescuing un-

fortunate slave girls from lives of shame and conditions so abhorrent as to beggar description and affording them an asylum under kindly care and Christian auspices, conducive to reformation, are matters known to the Department. It is perhaps only natural to expect that she would, under the circumstances, be maligned and wrong and improper motives (even base perjury) attributed to her by those whose interests are, either directly or remotely, affected or threatened to be affected. Note in the present case the assertion contained in the brief of San Francisco counsel that "the whole showing against this defendant (Ho Shee) seems to savor much of spite work and to be the result of the disappointment of the Mission people (Miss Cameron et al.) in not being able to keep this defendant in their Mission so that they can work out their own designs with her," and the [161] assertion of local counsel in his brief that "a raiding squad under the direction of Miss Donaldina Cameron, of the Presbyterian Mission, or her assistant Tien Fuh Wu, forcibly took possession of Ho Shee in her room and carried her to the Mission * * *," and the further assertion that upon Ho Shee's "escape" from the Mission she "joined her husband, Low Kwai, from whom she had been forcibly separated." These statements having been made, apparently with a view to discrediting Miss Cameron, it becomes pertinent to examine the record with a view to ascertaining just what the record shows by way of justification or in refutation of them.

In her sworn testimony before the immigration

inspector on warrant hearing Ho Shee testified that upon landing at San Francisco she and Low Kwai went to a lodging-house in San Francisco, where they lived together for a "short while," she does not remember how long, but "not very long," when her husband left her, but continued to send her money; that she does not know whether or not the name of the lodging-house where they stopped was the "Oriental Hotel"; that she does not know Miss Cameron or Miss Wu; that she "don't know" whether she went to the Mission Home voluntarily or not but she "came with the missionary woman"; that she does not know of another Chinese girl having been taken from the Oriental Hotel at the time she was and with her to the Mission Home; that she did not know the whereabouts of her husband at the time of her examination, and she does not know what her husband did with the boy they brought to this country; and that after leaving the Mission she lived with her husband in Sacramento, Calif. Subsequently she altered her statements in some respects as to the matter of her husband leaving her, stating that she went with him immediately after leaving the Oriental Hotel (doubtless meaning after she left the Mission, as the evidence is undisputed that she was taken from [162] the Oriental Hotel direct to the Mission); and she furthermore stated that she lived in another city, the name of which she did not know, for some time previous to going to Sacramento. About two months after she gave her testimony before the immigration officials she is made to state, in an affidavit which purports to have been signed by her, by mark, that she was taken from the Oriental

Hotel to the Presbyterian Mission Home by Miss Donaldina Cameron and her assistant "against her will and by force," and that another Chinese woman who occupied a room near hers was also taken to the Mission Home. From a reading of her testimony and this affidavit it is apparent that her mind was considerably freshened as to details incident to her whereabouts and doings after leaving the Mission Home, for she is able to recall that she spent some seven or eight months in Yreka, California, with her husband, and had been in Sacramento but a very few days when she was arrested. There is to be gathered from her testimony the fact that she did not know at that time whether she had been forcibly "abducted," from the Oriental Hotel, did not know just where she had spent practically all of her time since leaving said Home, and did not know, at the time of her arrest, the whereabouts of Low Kwai, notwithstanding her affidavit to the effect that they had been living together in Sacramento, as well as in Yreka.

The record further establishes that warrant for the arrest of Ho Shee first issued in April, last, but she appears not to have been taken into custody under said warrant until some time in October, when she was arrested in Sacramento, on the basis of information furnished the San Francisco office to the effect that she was practicing prostitution in that city. She was *enlarged* on bond, but was again taken into custody in November, on the basis of information furnished the San Francisco office to the effect that she was practicing prostitution in the Peking Hotel, 768-770 [163] Commercial Street, San

Francisco. The fact that the premises known as the Peking Hotel, or any portion thereof, is used as a place of prostitution is contested in the record, there being the customary number of affidavits, from Chinese sources unquestionably interested, to the effect that it is a *bona fide* family hotel, and used only for proper and legitimate purposes. Opposed to these *ex parte* assertions of interested Chinese parties are the sworn statements of Miss Donaldina Cameron to the effect that the premises known as the Peking Hotel are, by general reputation, known to her to be a Chinese house of prostitution, and that during the past six months several complaints have been lodged with her as to young Chinese girls being held at said "Hotel" for immoral purposes, the sworn statement of Miss Carrie G. Davis, Superintendent of the Methodist Chinese Girls' Home (an institution similar to the Presbyterian Chinese Mission Home) to the effect that during the past six months her attention has been frequently called to the premises known as the Peking Hotel, which is "generally known by reputation as a Chinese house of prostitution," and that the reputed manager of the Hotel, Louis Quong, has for many years been known, by reputation, as a dealer in slave girls, and the affidavit of Acting Sergeant of Police, Daniel J. O'Brien, to the effect that from July 19, 1913, to November 14, 1913, he was in charge of the police detailed in Chinatown, and by reason of said detail he knows "the premises at No. 770 Commercial Street, the Hotel Peking, by general reputation to be a place where Chinese prostitutes gathered and

where prostitution was practiced," and the fact that the immigration officials, in raiding the Peking Hotel as a result of which Ho Shee (with others) was taken in custody, found the portion of the building which is run as the Peking Hotel "occupied entirely by Chinese prostitutes, with these exceptions: An old man was found in the room of one of them, and two women apparently servants, and the manager, Louis Quong." Elsewhere in the report of the San [164] Francisco office appears the statement that a number of Chinese women, other than the defendant, were found in the premises, two of whom were well known Chinese prostitutes, of American birth, and others, under arrest by this service and out on bail, charged with being Chinese immoral women. The fact that so many Chinese women, some of whom were known to be prostitutes and others, for good cause suspected of being prostitutes, were found in the building, constitutes a substantial refutation of the averments contained in the affidavits, above commented upon, to the effect that the premises is strictly a "family hotel," used only for hotel purposes. It is deemed not inappropriate to state at this time that this so-called "hotel" is adjoined on either side by houses of prostitution, and the present by no means constitutes the first case which has been before the Department in which its inmates have been represented to be alien Chinese prostitutes, and as such subject to deportation under the laws of the United States. Furthermore, Ho Shee's presence in this so-called "hotel" is in absolute keeping with the other facts and circumstances apparent from the record,

from a reading of which a disinterested person could not escape the impression (amounting to a conviction) that she is a prostitute and the "hotel" itself is used as a place of prostitution.

As above indicated, the woman was first arrested in Sacramento, on the basis of information furnished the San Francisco office to the effect that she was practicing prostitution in that city. At the time of her arrest the statement of one James Weaver was taken by the inspector. Briefly, Mr. Weaver testified (under oath) that his assignment covered what is commonly known as the "tenderloin" district in Sacramento; that this district comprised all of "Chinatown"; that he recognizes Ho Shee (who was produced before him in person) as "being one of the inmates of a Chinese house of [165] prostitution at 410½ in the alley"; that he had known this woman to be a prostitute in Sacramento for approximately three months, "all of which time she has been continually an inmate of a house of prostitution"; and that he has seen her in bed, partly disrobed, with various Chinese persons. An effort is made to impeach the testimony of this witness by introducing in evidence certain newspaper clippings tending to show that he was recently accorded a trial in Sacramento on a charge (apparently) of alienating the affections of another man's wife and of having had improper relations with her, as a result of which he was suspended from the police force of the city.

Whatever truth there may be in the assertions, of which counsel endeavors to make considerable, the fact remains that the case was dismissed in the Police

Court and Weaver was returned to the position of police officer formerly occupied by him. His veracity does not appear to have been at issue or questioned at the time, and the Bureau knows of no reason why his testimony should not be accepted and weighed in the light of whatever other developments there may be in the case. It should be remembered in this connection that his statements are in line with information received from a number of sources to the effect that Ho Shee was a prostitute, was twice found in resorts known to be places at which prostitution ply their calling, and finally with the information received by the San Francisco office prior to the time Weaver made his statement and before an officer was sent to Sacramento, that she was practicing prostitution in Sacramento. To meet this testimony there is submitted a number of *ex parte* affidavits, bearing indications of having been prepared by some one intimately familiar with the facts of record in the case and the points it was desired to disprove thereby, the signers of the majority of which probably had little to do with them other than affixing their signatures. The purpose [166] of these affidavits is apparently to prove that Ho Shee was not in Sacramento for more than a very few days of the time Officer Weaver claims he knew her to be a prostitute in that city, but was living in Yreka during that time. One of these affidavits was executed by a white person signed as Ellsworth Tubbs, who states that he knew a woman "whom I believe to be the woman whom the accompanying photograph represents," which woman he saw in Yreka many times "last summer," and who was on the same "train and car" with him-

self "when she went South October 8, 1913" (affidavit formerly stated August 8, 1913, but the word "October" was written over the typewritten word "August" by the Notary before whom the affidavit was executed). The remainder of the affidavits (nearly all by Chinese persons) are devoted to statements to the effect that Ho Shee lived with her husband in Yreka for possibly seven months, up until some time early in October, and that she conducted herself in a manner "eminently respectable and praiseworthy."

A circumstance for consideration in connection with this case, aside from the evidence which the record contains, is the fact that Low Kwai has at all stages of the case kept in the background, has not come forward to offer testimony in behalf of his alleged wife, to whom, it is stated in an affidavit finally submitted (which purports to have been executed by him), he is "devotedly attached," and not a single witness has been offered at the San Francisco office to give the testimony in behalf of the woman.

As stated in the letter of the Commissioner, with which the case was transmitted to the Bureau, there is no certainty that the numerous parties who have executed *ex parte* affidavits alleging that the woman Ho Shee has always lived a respectable life, was not in Sacramento at the time Police Officer Weaver claims he knew her [167] to be a prostitute there, and did not follow the calling of a prostitute at the Oriental and Peking "hotels" in San Francisco, had in mind at the time the particular party who is now under arrest. The Bureau does not know, and there

is no means of satisfactorily ascertaining, under just what circumstances these affidavits were executed, and but little, if any, value as evidence can be ascribed to them. The various letters of counsel, and their briefs as well, contain no explanation of the failure to produce the alleged husband, or even a single witness, to give testimony in the woman's behalf and in support of their affidavits, which have been drawn with such care, and with a view to annihilating, step by step, each and every bit of damaging evidence which has been obtained.

In the Bureau's opinion the evidence clearly establishes, beyond a reasonable doubt, that Ho Shee is guilty of the charges specified in the warrant on which she was arrested, and that she is now in the United States in violation of law and properly a subject of deportation. It accordingly recommends that formal warrant for her deportation issue.

WJP-c Acting Commissioner-General. [168]

(Bond on Appeal.)

KNOW ALL MEN BY THESE PRESENTS, That we, Ho Shee, as principal, and Illinois Surety Company, as sureties, are held and firmly bound unto the United States of America in the full and just sum of five hundred *dollars* (500) dollars, to be paid to the said United States of America, certain attorney, executors, administrators or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 25th day of November, in the year of our Lord one thousand nine hundred and fourteen.

WHEREAS, lately at a District Court of the United States for the Northern District of California, First Division, in a matter depending in said Court, for a writ of habeas corpus an order was entered against the said Ho Shee denying the petition for a writ of habeas corpus in her behalf and the said Ho Shee having obtained from said Court an order allowing an appeal to reverse the said order in the aforesaid matter and a citation directed to the respondent Samuel W. Backus, Commissioner of Immigration for the Port of San Francisco, State of California citing and admonishing him to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, in the State of California.

NOW, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said Ho Shee shall prosecute her said appeal to effect, and answer all damages and costs if she fail to make her plea good, then the above obligation to be void; else to remain in full force and virtue. [169]

ILLINOIS SURETY COMPANY. (Seal)

(Chinese Character) (HO SHEE.) (Seal)

By HAROLD PARSONS, (Seal)

Its Attorney in Fact.

Acknowledged before me the day and year first above written.

[Seal]

FRANCIS KRULL,
United States Commissioner, North'n Dist. of California.

[Endorsed]: Filed Nov. 25, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [170]

*In the District Court of the United States for the
Northern District of California.*

No. 15,591.

In the Matter of Mrs. LOW KWAI, Sometimes
Known as HO SHEE, or HO (HAW) SHEE,
on Habeas Corpus.

Stipulation to Correctness of Translations.

It is hereby stipulated and agreed by and between
the respective parties hereto that the annexed trans-
lations from Chinese to English of the two attached
defendant's exhibits in Chinese characters, are true
and correct translations.

WM. HOFF COOK and

GEORGE A. McGOWAN,

Attorneys for Petitioner and Appellant.

WALTER E. HETTMAN,

Attorney for Respondent and Appellee. [171]

**[Translation in English of Defendant's Exhibit in
Chinese.]**

This Hotel is situated at Number 770 Commercial
Street, San Francisco, in the Six Companies Build-
ing. All rooms are thoroughly ventilated and well
lighted with electricity. Hot and cold water are
piped to the rooms and may be used at will. Bath
rooms and toilets always clean. Beds and bedding,
mirrors, stands, chairs, tables, rugs to match, and all
very beautiful. Services will always be found satis-

factory. Everything is sanitary, as is well known to our patrons. Room rent is reckoned by the day, month or week, and is most reasonable. We trust the traveling public will bear this in mind and favor us with patronage. 'Phone China 785 and 686. Peking Hotel. Managers: Mah Yuek Wai and Tom Hay Tong.

ATTENTION!

The Birth of the Great Oriental Hotel.

The proprietor of this Hotel drew the plans for it himself, and is newly built. It is a large building of four stories, situated at the corner of Clay and Stockton, and is numbered 856—opposite the Six Companies Building. The rooms are thoroughly ventilated and well lighted with electricity. Hot and cold water both convenient. Beds and bedding, mirrors, stands, chairs, tables, carpets are all beautiful and sanitary. Bath rooms and toilets always clean. Room rent is reckoned by the day or month and is always on the reasonable side. The public, either traveling or returning to China, stopping off here temporarily, will be served satisfactorily. If notified beforehand we will welcome our patrons at the station. Those who have patronage to extend we hope will bear us in mind. 'Phone China 173. The Yuen Tung Commercial Hotel. President, W'ong Suey Jung. [172]

[Endorsed]: Filed Nov. 24, 1914. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [173]

*In the District Court of the United States, in and
for the Northern District of California, Division
No. 1.*

No. 15,591.

In the Matter of the Application of LOW KWAI,
upon Behalf of Mrs. LOW KWAI, Some-
times Known as HO SHEE, or HO (HAW)
SHEE, on Habeas Corpus.

**Order Extending Time to [September 10, 1914, to]
Docket Case.**

Good cause appearing therefor, and upon motion
of George A. McGowan, Esquire, attorney for the
petitioners and appellants herein, it is hereby or-
dered that the said petitioners be and they hereby
are allowed three (3) days' additional time from and
after the 7th day of September, 1914, within which
to docket the above-entitled case upon the Citation
heretofore filed in said cause, in the office of the Clerk
of the Circuit Court of Appeals in and for the Ninth
Judicial Circuit.

Dated at San Francisco, September 8th, 1914.

WM. C. VAN FLEET,
United States District Judge.

Service of the within order, and receipt of a copy
thereof is hereby admitted this 8th day of Septem-
ber, A. D. 1914.

WALTER E. HETTMAN,
Asst. United States Attorney.

[Endorsed]: Filed Sep. 8, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [I74]

*In the District Court of the United States, in and
for the Northern District of California, Division
No. 1.*

No. 15,591.

In the Matter of the Application of LOW KWAI,
upon Behalf of Mrs. LOW KWAI, Some-
times Known as HO SHEE, or HO (HAW)
SHEE, on Habeas Corpus.

**Order Extending Time to [October 10, 1914, to]
Docket Case.**

Good cause appearing therefor, and upon motion of George A. McGowan, Esquire, attorney for the petitioners and appellants herein, it is hereby ordered that the said petitioners be and they hereby are allowed thirty days' additional time from and after the 10th day of September, 1914, within which to docket the above-entitled case, upon the Citation heretofore filed in said cause, in the office of the Clerk of the Circuit Court of Appeals in and for the Ninth Judicial Circuit.

Dated at San Francisco, Calif., Sept. 10th, 1914.

M. T. DOOLING,

United States District Judge.

Service of the within order, and receipt of a copy thereof is hereby admitted this 10th day of September, A. D. 1914.

JNO. W. PRESTON,

United States Attorney.

[Endorsed]: Filed Sep. 10, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [175]

*In the District Court of the United States, in and
for the Northern District of California, Division
No. 1.*

No. 15,591.

In the Matter of the Application of LOW KWAI,
upon Behalf of Mrs. LOW KWAI, Some-
times Known as HO SHEE, or HO (HAW)
SHEE, on Habeas Corpus.

**Order Extending Time to [October 25, 1914, to]
Docket Case.**

Good cause appearing therefor, and upon motion
of George A. McGowan, Esquire, attorney for the
petitioners and appellants herein, it is hereby or-
dered that the said petitioners be and they hereby
are allowed fifteen days' additional time from and
after the 10th day of October, 1914, within which to
docket the above-entitled case, upon the Citation
heretofore filed in said cause, in the office of the
Clerk of the Circuit Court of Appeals in and for
the Ninth Judicial Circuit.

Dated at San Francisco, Calif., Oct. 10th, 1914.

M. T. DOOLING,

United States District Judge.

Service of the within Order and receipt of a copy
thereof is hereby admitted this 10th day of Oct. 1914.

J. W. PRESTON,

U. S. Atty.

[Endorsed]: Filed Oct. 10, 1914. W. B. Maling,
Clerk. By T. L. Baldwin, Deputy Clerk. [176]

*In the District Court of the United States, in and
for the Northern District of California, Division
No. 1.*

No. 15,591.

In the Matter of the Application of LOW KWAI,
upon Behalf of Mrs. LOW KWAI, Some-
times Known as HO SHEE, or HO (HAW)
SHEE, on Habeas Corpus.

**Order Extending Time to [November 9, 1914, to]
Docket Case.**

Good cause appearing therefor, and upon motion of George A. McGowan, Esquire, attorney for the petitioners and appellants herein, it is hereby ordered that the said petitioners be and they hereby are allowed fifteen days' additional time from and after the 25th day of October, 1914, within which to docket the above-entitled case, upon the Citation heretofore filed in said cause, in the office of the Clerk of the Circuit Court of Appeals in and for the Ninth Judicial Circuit.

Dated at San Francisco, October 24, 1914.

M. T. DOOLING,

United States District Judge.

Service of the within order and receipt of a copy thereof is hereby admitted this 24th day of October, 1914.

J. W. PRESTON,

U. S. Atty.

[Endorsed]: Filed Oct. 24, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [177]

*In the United States District Court, Northern
District of California, First Division.*

No. 15,591.

In the Matter of LOW KWAI, Sometimes Known
as HO SHEE or HOW SHEE, on Habeas
Corpus.

**Order Extending Time to [November 29, 1914, to]
File Record on Appeal.**

Good cause appearing therefor by reason of the fact that the record on appeal has not been transmitted to the Court of Appeal, owing to the fact that at the request of the United States Attorney the Court made an order recently directing the Clerk to add several other papers to the record on appeal herein, and that compliance with such order will require some additional time, it is hereby ordered that the appellant may have 20 days' further time from and after the date hereof within which to lodge and file the record on appeal herein in the Court of Appeals.

Dated: November 5, 1914.

M. T. DOOLING,
District Judge.

[Endorsed]: Filed Nov. 5, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [178]

**[Certificate of Clerk U. S. District Court to
Transcript of Record.]**

I, W. B. Maling, Clerk of the District Court of
the United States, for the Northern District of Cali-

fornia, do hereby certify that the foregoing 178 pages, numbered from 1 to 178, inclusive, contain a full, true and correct Transcript of certain records and proceedings, in the matter of Mrs. Low Kwai, sometimes known as Ho Shee, etc., on Habeas Corpus, Number 15,591, as the same now remain on file and of record in the office of the Clerk of said District Court; said Transcript having been prepared pursuant to and in accordance with "Praecipe for record on Appeal" and "Order to complete Transcript on Appeal" (copies of which are embodied in this Transcript), and the instructions of Wm. Hoff Cook, Esquire, attorney for petitioner and appellant herein.

I further certify that the costs of preparing and certifying the foregoing Transcript on Appeal is the sum of eighty-nine dollars and forty cents (\$89.40), and that the same has been paid to me by the attorney for the appellant herein.

Annexed hereto is the Original Citation on Appeal issued herein (paged 180 and 181).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court this 25th day of November, 1914.

[Seal]

W. B. MALING,
Clerk.

By C. W. Calbreath,
Deputy Clerk.

CMT. [179]

(Citation on Appeal—Original.)

UNITED STATES OF AMERICA,—ss.

The President of the United States, to Hon. SAMUEL W. BACKUS, Commissioner of Immigration, Port of San Francisco, and to His Attorney, JOHN W. PRESTON, United States Attorney in and for the Northern District of California, Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the Clerk's Office of the United States District Court for the Northern District of California, Division No. 1, thereof, wherein Low Kwai and Mrs. Low Kwai, sometimes known as Ho Shee or Ho (Haw) Shee, are appellants, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable MAURICE T. DOOLING, United States District Judge for the Northern Dist. of California, this 10 day of August, A. D. 1914.

M. T. DOOLING,

United States District Judge. [180]

[Endorsed]: No. 15,591. United States District Court for the Northern District of California. Low Kwai and Mrs. Low Kwai, Sometimes Known as Ho Shee or Ho (Haw) Shee, Appellants, vs. Samuel W. Backus, Commissioner of Immigration, Appellee. Citation on Appeal. Filed Aug. 10, 1914. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk.

Service of the within Citation, appeal and receipt of a copy thereof is hereby admitted this 10th day of Aug., 1914.

WALTER E. HETTMAN,
Asst. U. S. Atty.

[181]

[Endorsed]: No. 2522. United States Circuit Court of Appeals for the Ninth Circuit. Low Kwai and Mrs. Low Kwai, Sometimes Known as Ho Shee or Ho (Haw) Shee, Appellants, vs. Samuel W. Backus, as Commissioner of Immigration, Port of San Francisco, Appellee. Transcript of Record. Upon Appeal from the United States District Court for the Northern District of California, First Division.

Received and filed November 25, 1914.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Meredith Sawyer,
Deputy Clerk.